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Conservative Economic Myths by James K. Galbraith

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A Good Way of Getting Rid of Bad Guys: The Milosevic Case

The Washington Monthly

March 2001
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Reassigning Tim Russert

Getting Washington reporters to cover the things that count

by Jonathan Rowe

With:

Matthew Cooper, Walter Shapiro, Jonathan Alter, Tim Noah, Jon Meacham, Art Levine, Matthew Miller, Joshua Wolf Shenk, Suzannah Lessard, Scott Shuger, David Segal, and Steven Waldman

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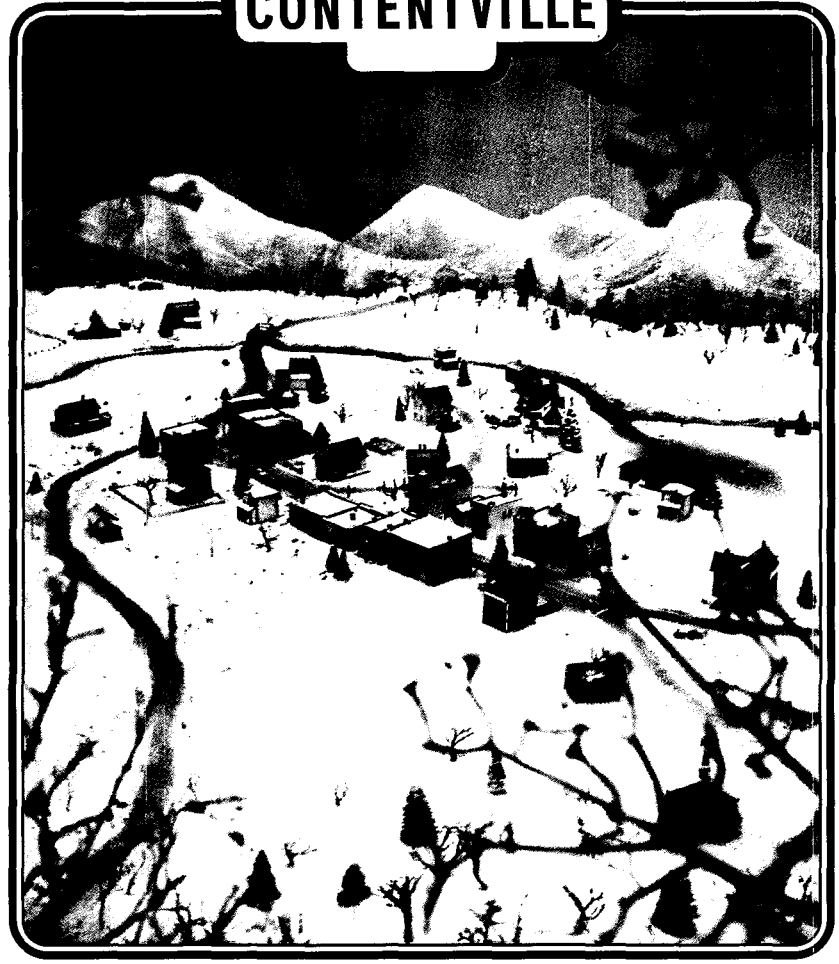

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Letters

Food Fight

I read with great interest your article "Beef Wars" (January/February 2001). Clearly, the deadly strain of *E. coli* that is found in meat and other foods has claimed many victims, both among the consuming public and in the meat industry itself. There are no easy answers to eliminating this hazard from the food supply, though there are many steps along the food chain where improvements are needed.

"Beef Wars" challenged the effectiveness of the government's sampling program for the deadly *E. coli* bacteria and, instead, called for rigorous testing at many points along the processing line. While that sampling program may be imperfect, it is a huge improvement over the "don't look, don't tell" policy in place before the Jack in the Box *E. coli* outbreak. At that time, there was no mandatory microbial testing of any kind in the meat and poultry industries. Random testing by the U.S. Department of Agriculture is the most important tool available to identify and remove potentially deadly meat from the market.

The authors wrongly say that consumer organizations reject consumer education—"the best weapon we've got"—as a solution. Nothing could be further from the truth. We and other consumer groups vigorously support tough government programs—and the authority to recall tainted products from the marketplace—along with educational efforts. The Center for Science in the Public Interest and other consumer groups urged USDA to put safe handling information on all packages of fresh meat and poultry, a move that was challenged in court by several food industry trade associations. Unfortunately, the authors of your article made bold—but untrue—assertions and never contacted the leading consumer organizations to set the record straight.

CAROLINE SMITH DEWAAL
DIRECTOR OF FOOD SAFETY
Center for Science in the Public Interest
Washington, D.C.

Flunking Bubba

I was surprised you gave Clinton an "A" on economic policy ("The Clinton Scorecard," December 2000). It was indeed an excellent economy in the 1990s but certainly not his doing. The current boom started about a year and a half before he smooth-talked his way into the Oval Office and began eight years of claiming credit for the miracles of the private sector, the computer revolution, and the end of the Cold War.

Clinton said "the era of big government is over," and deserves some praise for accepting Republican ideas (welfare reform, Greenspan, free trade, some deregulation). But he often attacked the free market by hiking the minimum wage, torching Microsoft and the NASDAQ, raising taxes and then predictably squandering the surplus, launching a vague and costly ergonomics regulation, and, lest we forget, the 1993 economic stimulus boondoggle and 1994 health care takeover.

Fortunately, the economy was too strong for Clinton's depredations, but there may still be a heavy cost. As Robert Samuelson recently noted in *The Washington Post*, Clinton failed to address the looming crisis in middle-class entitlements and mercilessly demagogued those who tried. He was, in Samuelson's telling epitaph, "a do-nothing president."

FLEMING SAUNDERS
Burke, Va.

Vintage Chips

While I enjoyed the piece by Erik Wemple, "Decontrol Freaks" (December 2000), an article on relative technology should try to get the facts straight. The statement—in referring to technology restrictions to Russia—that "While the old 486 couldn't even play Solitaire," made for nice hyperbole, it is also complete and utter nonsense.

In 1993, the 80486 was hardly the dinosaur chip it might appear to be today. Windows 3.1 ran quite nicely (or as nicely as it could) on a properly configured 486 system with some memory. I managed to play Win3.1 Solitaire on a 10 MHz 286 backup system with but two megs of RAM. But then I am a computer tech and had it tweaked to the limits. The 80486 is a stable and still potent CPU, an operating system that is not a memory hog. In fact, in some ways it is rather superior to some of the latest, literally, hot (and power-hungry) chips. And, in comparison to what the Russians had at the time, it was nothing to sneer at. It was far more powerful than what we used to design the Space Shuttle and most of the weapon systems of the time.

G. D. GOODMAN
via e-mail

Needing Angry Men

I take exception to Ta-Nehisi Coates' article on Louis Farrakhan ("The Last Angry Man," January/February 2001). He criticizes Mr. Farrakhan for precisely the wrong reasons.

When a black leader encourages black men not to be absentee fathers to their children and encourages black women not to fornicate with men they aren't prepared to marry, he is saying what most needs to be said—but rarely is. The overwhelmingly white-controlled media is reluctant to criticize black men for sexual irresponsibility lest they appear to be oblivious to historical experiences which helped produce this phenomenon. But if black males were told flat-out that fathering children, and then refusing to be a real father to them, was the greatest black problem in America today, maybe this would shock them into reconsidering their behavior. Shaming is a social tool that, under the right circumstances, is invaluable.

Since blacks are more religiously inclined than other social groups, it is unfortunate that black pastors don't speak out forcefully on this subject. But like other pastors, they prefer to create a "feel-good" atmosphere among their congregants rather than speak truths that would temporarily wound but, eventually, help to heal.

REO M. CHRISTENSON
PROF. EMERITUS,
MIAMI UNIVERSITY
Oxford, Ohio

Jeb's Folly

The article "Locking Up The Vote" in the January/February 2001 issue raises a question. If, as the article states, "If you commit any felony—be it murder or lying on a customs form—you never again get to have a say in the election of

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the president...," then did the wife of Florida Governor Jeb Bush get to vote in November's election?

According to the *St. Petersburg Times* of June 22, 1999, Columba Bush falsely stated, on a mandatory declaration form handed out on her flight from France to Atlanta, that she had purchased $500 worth of goods, according to the Bushes and a U.S. Customs service spokesman. In fact, she had purchased $19,000 worth of clothing and jewelry. She was given a second chance to make a true declaration, but lied a second time. She was fined $4,100.

Did she have to meet the 23 qualifications for enfranchisement and submit the application to the state clemency board, as did Rosetta Meeks? Or is the article wrong in saying that lying on a customs form will cost you your vote? Or perhaps there's a different system for African-Americans and the governor's wife.

SAM DUNCAN
Wayne, Penn.

Nicholas Thompson replies:
The U.S. Customs office explains that indicting everyone who lies on a customs form for a felony would tie up the courts for years. So some people, like the governor's wife, get off with misdemeanors or civil fines.

Kept After Class

A generation back, Richard D. Kahlenberg's story might have helped us avoid some of the disruptive solutions we have tried in providing democratic education to our children ("Mixing Classes," December 2000). Yes, we must improve and adequately fund schools in poorer (as well as all) neighborhoods; yes, we must provide equal, adequate education to all students. But charter, magnet, and alternative schools also put poorer students at the bottom, since their families often will not pursue such opportunities.

There is one area that Americans haven't yet connected directly to their schools, and that is the quality of life in neighborhoods and communities. We need to encourage community life and develop pride of "ownership" in communities. If the country could do this, I feel that most residents would respond and participate in kind, with gratitude and determination. Hope is an elusive answer, but one well worth pursuing. It could help us all.

JOAN CAROL POOR
College Park, Md.

Shot Ourselves in the Foot

I heartily endorse your incipient campaign against the NRA, but the idea of enlisting "liberals" as members is worse than very bad. It's terrifying. I quit as a member (I was a mole) because I simply couldn't bear the thought that my $35 fee was supporting a cause that is akin to declaring war by handgun on every man, woman and child. In order to make a difference, as you suggest, you would probably need to enroll 2.5 million new liberal members and that times $35 would land them something like $87 million, a particularly ugly idea.

LEWIS S. DABNEY
Chestnut Hill, Mass.

History Lesson

I pride myself on knowing English history fairly well, having read Antonia Fraser's *Kings and Queens of England* cover to cover. However, I am mystified by Charlie Peters' reference to Prince John ordering the assassination of the "legitimate heir to the throne" ("Tilting at Windmills," January/February 2001). Brother Henry died before marrying; brother Richard's belated marriage was probably never consummated; brother Geoffrey died before Richard did—are we talking about Geoffrey's children? If so, since their father never claimed the throne, I don't see how their claim could have been stronger than John's.

Lisa Aug
Frankfort, Ky.

Charles Peters replies:
Arthur, Geoffrey's son, was the rightful heir to the throne by the law of primogeniture. "That he was murdered by John's order was not disputed at the time or thereafter," writes Winston Churchill in A History of the English Speaking Peoples.

CORRECTION:
In our January/February article, "Beef Wars," we incorrectly stated that Frank Brauer killed himself with a 40 mm handgun. The autopsy did not specify what kind of gun was used.

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Subscription rates: U.S. and possessions: one year, $44.95; two years, $79.95; three years, $109.95. For Canadian and foreign subscriptions, add $10 for surface delivery; air mail delivery add $32. Back issues, $5. Send correspondence concerning subscriptions, undelivered copies, and address changes to 1611 Connecticut Ave., NW, Washington, DC 20009. For address changes, provide six weeks' notice and include old address label. Send subscription complaints to Charles Peters, *The Washington Monthly*, 1611 Connecticut Avenue, NW, Washington, DC 20009. *The Washington Monthly* is indexed in the Book Review Index, Political Science Abstracts, Public Affairs Information Service, the Readers' Guide to Periodical Literature, and Ulrich's International Periodicals Directory and may be obtained on microfilm from University Microfilms International, Ann Arbor, MI 48106. For reprint rights call Tara Mansbridge at (202) 462-0128. Published monthly except combined Jan./Feb. and July/Aug. issues by The Washington Monthly Co., 1611 Connecticut Ave. NW, Washington, DC 20009. Printed in U.S.A.

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ISSN 0043-0633. Postmaster: Send change of address to *The Washington Monthly*, 1611 Connecticut Ave., NW, Washington, DC 20009. Periodicals postage paid at Washington, D.C. and at additional mailing offices. Unsolicited manuscripts must be accompanied by a stamped, self-addressed envelope. Send manuscripts and letters to: Editors, 1611 Connecticut Ave, NW, Washington, DC 20009 or e-mail to:
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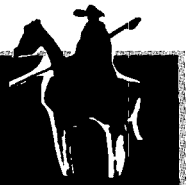
Tilting at Windmills



BY CHARLES PETERS

The Misery of Coach • Cell-Phone Dementia • Equal Protection for Republicans

Recession Hype • Greenspan's Desertion • Sweet Briar Beats Yale

THE CORPORATE LEADERS WHO ARE always telling the rest of us about the beauty of a market economy often prove unwilling to meet market tests themselves. If their business is in trouble, they'll request a government bailout. If they run a sports franchise, they'll ask the taxpayers to build a stadium. If they can get away with preventing a free market so that they can enjoy the fruits of monopoly power, they will do so, and like Microsoft, keep fighting in the courts for the right to continue doing so.

The latest revelation of how business minds really work is what's known as "the rescission of exercised stock options." If those words puzzle you, they did me too—that is, until they were explained by Floyd Norris of *The New York Times*. Stock options are offered to corporate managers on the theory that if the managers are successful enough to raise the price of the stock, they should be able to profit from it. But last year, when a lot of stocks didn't rise (in fact, a lot actually fell), many of the managers who had exercised their options by purchasing stock then arranged to cancel the deal retroactively. In other words, they wanted a sure thing. As long as the stock went up, they would keep it and profit. If it went down, they wouldn't lose, even though their fellow shareholders suffered losses. Not only could the other shareholders not cancel their purchases, Norris reports, but even some lower-ranking employees of the privileged managers' companies were not allowed to rescind.

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THERE IS ONE LEGITIMATE LEGAL argument to justify government aid to religious—or, as W. prefers—"faith-based institutions." It is that the Establishment Clause of the First Amendment was not intended to forbid government help to religion but to forbid government from singling out an individual religion or religion generally for help or harm. Aid to religious charities or religious schools can be justified as part of a program of aid to all charities or all schools, or to categories of schools and charities not defined by religion. The "wall of separation," a phrase used not in the Constitution but in one of Thomas Jefferson's personal letters, does not exist. If it did, how could fire departments put out fires in church buildings? The point is that the fire department does not single out churches for help or harm. It puts out fires in all buildings.

But here comes the catch for churches. If other buildings are taxed, why shouldn't churches be taxed? Otherwise we are singling out churches for a favor we don't give other building owners. Why shouldn't churches pay for the public services they receive just like the rest of us? Thus, while there may be a good case for Bush's programs' constitutionality, the same case can be made for taxing church property, and I suspect faith-based institutions wouldn't like that at all.

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TO W.'S CREDIT, HIS TOP PEOPLE are all able. Like everyone else, I've always admired Colin Powell. I have known Dick Cheney for 20 years, and I have immense regard for his competence and reasonableness. After my first encounter with Paul O'Neill a couple of years ago, I wrote an item in this column hailing him as a potential future president. (The reason I was so taken with him was that he was the first corporate executive I've heard boast as much about improving worker safety as he did about improving profits.)

All three men have experience in the federal government—many people don't know that O'Neill worked at the Veteran's Administration and the OMB during the 1970s—so they know the buttons to push to get things done. What worries me, however, is the policies for which they are going to push those buttons. Are they going to give the lobbyists what they want? "Industry groups are lining up to make their case to the new Bush administration that rules they don't like should be killed," reports *The Washington Post*. A *Wall Street Journal* headline reads, "Bush Tax Cuts Send Corporate Lobbyists Into A Feeding Frenzy."

O'Neill, in a February press conference, reminded me of one of those country-club Republicans when he said, "Democrats think that everyone should have the same amount of income." I don't know a single Democrat who believes that, but I do know a lot of good people who believe tax cuts should benefit working people who need help instead of the wealthy who are already doing all right.

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MY OWN VIEW ON TAX CUTS IS that they should be concentrated on helping those who need help, with incomes under $75,000. That's why it's crazy to even consider getting rid of the estate tax, a move that would confer almost all of its benefits on the wealthy. The one legitimate objection to the estate tax, that it sometimes makes it hard to keep small businesses and farms in the family, could be taken care of by minor reforms in the tax, not by eliminating it.

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ANY TAX CUTS SHOULD LEAVE room for increased expenditures in health and education. Too many people still lack decent health care. And

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Bush's proposals to make schools accountable must be accompanied by enough funding for poor schools to give them a fair chance. This will be the crucial test of whether he really means "no child should be left behind."

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WE ALL KNOW ABOUT THE tremendous gap in education expenses between rich and poor states, but even within the wealthier states, there is a marked disparity between districts. In the state of New York, for example, $8,171 is spent on the average New York City pupil while $12,222 is spent on students in the surrounding suburbs. The extremes are more dramatic. The Bridgehampton School District in Suffolk County spends $33,408 per pupil while the Portville School District in Cattaraugus County spends only $6,229. Needless to say, those Bridgehampton schools will have a lot easier time meeting President Bush's accountability tests than those in Portville.

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THE ESTIMATES ARE THAT 98,000 Americans die each year because of medical mistakes. David Lawrence, the CEO of Kaiser Permanente, is one health care insider who is willing to admit there is a problem. Typical hospital patients, he says, see "multiple docs, multiple nurses on multiple shifts, and multiple medical personnel," such as lab technicians and physical therapists. "There are lots of chances for information to fall through the cracks."

Although Lawrence deserves credit for recognizing the problem, his solution to it, as reported by *The Washington Post*'s Abigail Trafford, is not totally reassuring. First he says you should check out the hospital and make sure it has a program to combat errors. That makes sense. But then he says you need to have an advocate to take with you to the hospital, "someone smart enough and tenacious enough to act on your behalf. Someone who can keep track of medication and procedures and demand to talk to the doctor." Hmm. This seems to mean that if you don't happen to have a close friend or family member with the time and talent to fill this role, you're going to have to hire someone. Have things gotten to the point where we not only have to pay the hospital, the doctors, the nurses and all the technicians, but we have to pay someone else to protect us from them?

If government can aid "faith-based" institutions, why can't it tax them?

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INSTEAD OF repealing the estate tax, the administration might try enforcing it. A recent IRS study indicates that there is $4.2 billion in underpayments. In 1992, for example, 24 percent of those audited had overpaid, but a whopping 66 percent had underpaid. Interestingly enough, the report found that if a lawyer prepared the return, the estate was more likely to be reported at less than full value.

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WHEN THE *PALM BEACH POST* counted those 10,600 undervotes in Miami Dade and found that they would have increased George W. Bush's margin rather than eradicating his lead as Al Gore hoped, the conservative *Washington Times* put the story on its front page and later gleefully noted that *The New York Times* had ignored the story and *The Washington Post* had given it five paragraphs on page four. But then guess what happened when *The Washington Post* reported on page one that of overvoted Florida ballots, Gore's name was punched on 46,000 of them and Bush's on only 17,000? *The Washington Times* said nary a word.

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SPEAKING OF FLORIDA, EVEN IF there had been a genuine Bush victory, the electoral college result would still have not reflected the will of the nation, which gave Gore a substantial popular-vote victory—in fact, one that was five times greater than John Kennedy's. There is a solution to this problem. Some years back, a Century Foundation (then called the Twentieth Century Fund) Task Force came up with this recommendation to reform the electoral college: Award 102 electoral votes (two for each state and the District of Columbia) to the winner of the popular vote, with the rest of the electoral votes determined as they are today. This makes sense to me, balancing as it does both the will of the nation and the regard for the states that the Founders wanted to express.

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THE TASK FORCE REPORT NOTES A fact you may not have known—I certainly didn't—that the 1976 election almost produced the same denial of the people's will that happened last fall. If just 10,000 total votes had changed in Ohio and Hawaii, Gerald Ford could have won the electoral vote even though Jimmy Carter won the popular vote.

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YOU MAY RECALL NICHOLAS Thompson's article on *U.S. News and World Report*'s college guide. He pointed out that, while the guide did a good job of describing a school's resources, it did little to evaluate what happened to a student while he or she was there. Now comes a survey designed to do just that. It's called the National Survey of Student Engagement. It includes questions about how much time the students spend preparing for class and how often they write papers of 20 pages or more. Interestingly enough, the colleges that scored highest were not the Harvards and Yales that do so well in *U.S. News*, but four small, relatively unknown colleges—Beloit, Centre, Sweet Briar, and Elon.

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THE BUSH ADMINISTRATION'S initial reaction to the energy crisis has been, it's a state issue, let California solve it. Certainly it can be argued California is itself responsible for much of its energy problem. But, even though that is true, it doesn't mean that the problem can be solved by California alone. Today, much of California's power is supplied by out-of-state producers. They are outside the jurisdiction of California's regulators. This situation is not confined to California. "The trend is the same across the nation," writes Richard Oppel of *The New York Times*, "as electricity supplies are increasingly controlled by companies that do not operate under the oversight of state regulators." Common sense tells us that every state should not try to be self-sufficient in energy production. Some states may be better suited to production; others will be top-heavy in consumption. So, as much as the conservatives in the Bush camp may hate to admit it, this is a federal problem requiring federal action.

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BY THE WAY, WHEN GEORGE W. Bush tried to blame environmentalists for the failure to construct enough power plants in California—"We need to relax those standards"—he was quickly rebuffed by a spokesman for Reliant Energy who said, according to the columnist Paul Krugman, that "assertions that environmental regulations were holding back power production were 'absolutely false.'" Reliant Energy, by the way, is based in Houston, where people tend to be kind to Bushes.

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MY WIFE AND I HAVE NOTICED A new form of cell-phone dementia. It is the pedestrian so absorbed in his teleconversation that he bumps into you on the sidewalk, or more seriously, walks into the street without looking. Recently my wife was driving down a street in our neighborhood when she observed a woman on the sidewalk talking into a cell phone. As my wife approached, the woman stepped into the street without even a glance to her right or left. To make matters worse, she was pushing a stroller in which a small child was seated. My wife slammed on the brakes, skidding to a halt inches from the child.

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PUTTING TIME LIMITS ON welfare payments helps recipients to think of welfare as temporary and to look for work more seriously than they otherwise would, according to a pioneering welfare reform experiment conducted in Florida between 1994 and 1999. More than three-fourths of the recipients left welfare before they had used up all their benefits. This is another indication that welfare reform has, on the whole, been and will continue to be a success, at least as long as the good times last. (Note: I said on the whole. Remember the article by Alexander Nguyen in our November issue that showed how a lot of present and former welfare recipients are not getting the help they need?) A real recession could mean that time limits have to be reconfigured or that public service jobs must be provided to allow for the increased difficulty in finding work during a serious economic downturn.

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IN ADDITION TO HELPING WELFARE reform work, the prosperity of the '90s had one other significant social impact. It played a crucial role in helping the country absorb what may have been the largest wave of immigration, legal and otherwise, since the heyday of Ellis Island.

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ALLAN GREENSPAN'S DESERTION of deficit reduction, which he later embarrassedly repudiated, reminds me of how those conservative Supreme Court justices deserted their states' rights and judicial restraint principles in the Florida vote case. It's touching what the fellows will do for W.

Just as remarkable as the conservative justices' flight from states' rights and judicial restraint was their sudden embrace of the Equal Protection Clause of the Constitution (see Jamin Raskin's article in this issue). As African Americans and many others know, equal protection has not, at least since the Reconstruction era, been a cause that makes Republicans hearts beat faster. Of course, it is worth noting that in their opinion, the justices took care to restrain their new passion for equal protection by saying that it applied only in this case—in other words, where it was necessary to produce a Republican victory.

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WHEN BILL CLINTON WAS ASKED to name the Washington journalist "who generally gets it right," he picked Ron Brownstein of the *Los Angeles Times*. I was struck by Brownstein's explanation of why Clinton might have chosen him: "If you portray these guys as pushing an agenda in part because they believe in it, it leads to a good relationship." Washington reporters love to assign cynical motivations to any political action. Consider their explanation of why Bill Clinton signed the welfare reform bill. Almost none of them conceded that he might have done it because he believed on the whole it was a good idea. *The Washington Post*'s John F. Harris has observed that "Everyone involved (myself included) wrote about the poll-tested calculations behind a parade of Clinton policy initiatives, from welfare reform to further tax deductions." Harris continued, "We should all remember that no one's motivations are truly knowable to another." We should also remember, Harris might have added, that what counts with a public official is not motivation but performance.

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ON THE PERFORMANCE TEST, MY guess is that Bill Clinton will rank reasonably high among our presidents. The economy under his leadership performed spectacularly for eight years. And it took leadership to get his deficit reduction package through Congress against the opposition of all Republicans in the

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House. The result was an unprecedented prosperity, with an unusual combination of high employment and low inflation. In foreign policy, his efforts for peace in Northern Ireland and the Middle East were admirable. And in the former Yugoslavia, he triumphed where Bush the elder had feared to tread, bringing peace and an end to Serb domination of Bosnia and Kosovo and getting rid of Milosevic to top it all off.

But Bill Clinton failed the performance test with the Rich pardon. His not going through the normal vetting procedure at the Department of Justice was unhappily consistent with a fault of his often discussed in these pages: A sloppy indifference to the proper functioning of executive branch agencies except when they were in the news. And his refusal to let loyal White House staffers tackle him before he crossed the wrong goal line manifested a self-destructive arrogance I had heretofore seen only in his sex life.

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THE UNFAIR BURDEN OF THE PAYroll tax on struggling workers has long been a major concern of *The Monthly*. It finally made it to the front page of a major paper last month when *The Washington Post*'s Glenn Kessler pointed out that 80 percent of Americans pay more in payroll taxes than in income taxes. When George W. Bush boasted that his tax cut would eliminate the $1,055 in income taxes owed by the Paul Peterson family, he neglected to mention that $5,000 in payroll taxes would still be due. Combine that injustice with former Treasury Secretary Robert Rubin's recommendation that if we fear a recession, the best way to stop it is "a special rebate aimed at working people with the highest propensity to spend" and what do you get? The Peters Proposal: A rebate of their annual payment to all of those whose incomes are so low that they pay only payroll taxes. This would give the average recipient $800. It would also strike a blow at the unfairness of the payroll tax. If a recession seems a serious probability, the rebate should be paid this summer. The funds to do it would be available if the Bush tax cuts are not enacted. And to keep my fellow geezers from getting their knickers in a twist, the rebate would be payable not from Social Security funds but from general revenue, most of which comes from those who can afford to pay.

Don't travel unless you absolutely have to.

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IF WE DO HAVE A recession, it could be the first to have been produced—or at least intensified—by hype. The hype has come from two sources: the Bush administration which uses the threat of a recession to win support for a tax cut, and CNBC, which hypes any story that keeps viewers glued to its channel. The top story in recent months has been the economic slowdown and CNBC's talking heads discuss it constantly.

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THE WASHINGTON MONTHLY IS usually edited from the standpoint of printing articles I believe to be true, stating points of view I believe to be right. One exception to the rule is an article that, although it states or implies a point of view that I don't share, reflects thoughts and opinions that need to be, but I suspect are not, known and understood by the readership of this magazine. Examples are the last issue's "The Last Angry Man" by Ta-Nehisi Coates and this month's article by Andrew Webb. I don't admire Louis Farrakhan but I think Coates is right about the importance he has had for black males. Neither do I admire closeted gays (or the military attitudes that keep them closeted), but I believe Andrew Webb when he says there are a lot of closeted gays in the military who want to stay that way and don't appreciate the attempts by outside gay activists to put them in the spotlight.

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HISTORICAL PERSPECTIVE WAS missing from criticism of the Clintons for taking with them roughly $200,000 worth—later cut in half—of gifts they had received while in the White House. Have the critics forgotten the $2.1 million retirement home that friends bought for the Reagans? Similar reportorial amnesia has been displayed on presidential pardons. I seem to recall that Harry Truman made some embarrassing pardons. And George Bush Senior's pardon of Casper Weinberger destroyed the Iran-Contra independent prosecutor's case against not only Weinberger but more significantly, against Reagan and Bush himself.

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DID YOU SEE THAT ARTICLE IN *The New York Times* about the horribly overcrowded I-95? Similar conditions exist on many other highways. A few years ago, I drove round-trip on the interstate between Tampa and Orlando. It was bumper to bumper all the way in both directions. At Thanksgiving, I visited my son in California. Every time we took to the road, I was nervous. The traffic was heavy at all hours. Even for Thanksgiving dinner, two of the guests were more than an hour late because of a backed up interstate. My old solution, the train, is just not available for most journeys these days. And even when it is—as on the Metroliner between Washington and New York—one has to endure the sound of all the loudmouths with cell phones. Of course, we can also fly, but the charms of air travel today are suggested by the teaser on a recent mailing for the *Consumer Reports*' Best Travel Deals: "How to Escape the Misery of Coach." My recommendation is: Don't travel unless you absolutely have to. ●

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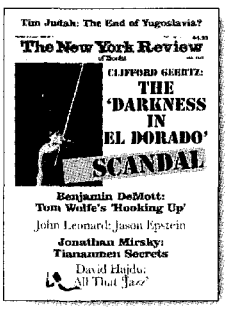

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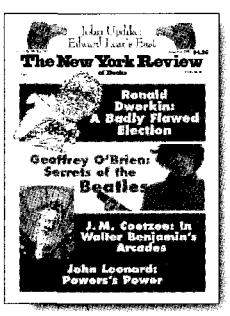

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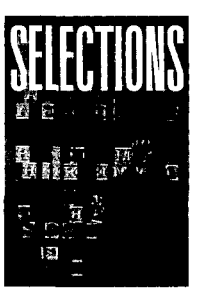

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Silence = Relief

Do gays in the military prefer the closet?

BY ANDREW WEBB

BOB (NOT HIS REAL NAME) WAS AN active-duty Navy petty officer when I met him at the HIV ward of San Diego's Naval Medical Center in 1991. He was there for the semi-annual check-up given to all HIV-positive military personnel; I was a former Coast Guard officer working for the University of California at San Diego, recruiting volunteers for a rigorous HIV study.

Sexual transmission of HIV from female to male is extremely rare, and random drug tests make IV-drug use an almost impossible transmission route for the virus among servicemembers. Nonetheless—because of regulations requiring all gay military personnel to be discharged—we lived a bizarre fiction that all the alumni (as the HIV-positive personnel call themselves) were heterosexual, and the HIV-ward staff rigorously adhered to a tacit "don't ask, don't tell" policy even before it existed. But for the most part, the alumni seldom opened up about being gay, believing that *nothing* said to anyone on the Defense Department payroll was privileged.

Perhaps sensing a kindred spirit, though, servicemen would often let me know they were gay during screening interviews. I was thus flattered to find myself in all kinds of conversations the alumni didn't feel comfortable having with other military personnel. Bob was one of those with whom I had far-ranging discussions. He came from a large Catholic family in Massachusetts and his father was a Marine. Like many active-duty members, Bob had joined the military right out of high school. When I met him, he had been in the Navy nearly 12 years and had been HIV-positive for about six. Before he was infected, he had almost been kicked out as a result of a witch hunt.

Given Bob's experience, I felt certain that he would be elated when, in 1991, presidential candidate Bill Clinton promised to repeal the ban on gay men and lesbians serving openly in the military. Instead, Bob was more worried about seeing the ban on gays repealed than about continuing to live under the existing policy. The Navy was his career. If being closeted about his sexual orientation was the price of remaining in his chosen career, he was willing to pay it.

Eliminating the existing policy would have meant he could have military guests in his home without having to "straighten it up" beforehand or worry about being spotted in a gay bar, but Bob didn't see how it could be eliminated by fiat without creating an unofficial backlash that would make the official witch hunts seem like picnics.

At that time, gay men and lesbians in uniform constituted a kind of secret society and generally protected each others' identities. In turn, the services for the most part didn't go out of their way to root them out. Bob seemed to sense that if the exclusionary policy were rescinded, solidarity would evaporate and he would be alone to face a more actively anti-gay military.

He also feared that other gay servicemembers would feel no need to maintain their previous silence and might innocently (or even maliciously) identify those who preferred to remain closeted. And suspicions about who might be gay, widespread homophobia, and a new focus on homosexuality (fueled by all the practical problems rescission of the policy would cause) was a volatile combination Bob feared would erupt in violence.

As I became friends with more of the alumni, I found that Bob's feelings were shared by most of them. Their position surprised me, because until then, I had

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pretty much taken the activist line that the policy should be eliminated. My viewpoint was born out of the grudge I carried for years after losing my job as a civilian intelligence analyst at the National Security Agency because of my sexual orientation. But the pragmatism of my gay acquaintances and friends in the military trumped my resentful ideology and convinced me that the time wasn't right for such a change in 1991, and that it's still not right today. Clinton's promise to eliminate the gay ban was deeply misguided, and in part because of his supporters' failure to take into account the feelings of servicemembers like Bob, the "don't ask, don't tell" policy has proven to be a disaster for its intended beneficiaries.

The accession of a Republican to the presidency may seem a major defeat to those who would like all restrictions related to gays serving in the military removed. But many active-duty gay people may actually be relieved that the issue is unlikely to surface during the next four years, relieved to return to a regime that has an out-of-sight-out-of-mind philosophy toward gays in uniform.

The Issues Come Out

Among gay people, the question of serving openly in the military does not have a long history. True, for many decades, gay men and lesbians who wanted to serve were thrown out; even so, the only gay people who really took an interest in the subject were those who wanted to serve and weren't allowed to.

But starting in 1989, a number of high-profile legal challenges to the military's exclusionary policy began to make their way through the courts and into the nightly news. At the same time, hate-crime legislation was under consideration in a number of states, gay-theme movies were hitting the mainstream, and gay-theme subplots were no longer forbidden in prime-time TV shows.

In January 1991, *The Wall Street Journal* reported that the Pentagon had suspended discharges of homosexuals because of the need for personnel during the Gulf War. By June, there were reports that the Army was reconsidering its ban on gays in the military.

In August 1991, after his spokesman, Pete Williams, was outed by gay activists, then-Secretary of Defense Dick Cheney said that "the notion that somehow there is a security risk involved—in allowing homosexuals to serve in the Armed Forces—is something of an old chestnut." Throughout the summer and fall, leading newspapers disapprovingly editorialized about the ban, citing it as the last remaining vestige of *de jure* discrimination in the country.

It was in this environment that a few gay activists whispered in the ear of the governor of Arkansas that he needed to take a stand on tough issues if he wanted their support in his bid for the presidency. Thus in October 1991, Clinton first publicly promised to eliminate the ban on gays in the military if elected president.

And yet, no one—not the gay activists, not Clinton or his aides—worked to find out if gay people in the military actually wanted what the would-be president and his gay backers wanted for them. Those who supported eliminating the ban assumed that because a handful of active-duty and former military gay men and lesbians challenged the policy in court and went on the daytime talk show circuit decrying it, all gay men and lesbians in the armed forces felt the same.

Well, if my experience in San Diego is any indication, they didn't feel that way then, and many still don't.

Like a person used to living in shadows who suddenly finds a spotlight shined on him, most gay servicemembers I encountered felt exposed, cornered, and vulnerable when the issue became a cause célèbre.

Keep in mind that military people—gay or not—are generally more conservative (socially and politically) than their civilian brothers and sisters. Not only are they conservative, but gay people in uniform are often reluctant to publicly acknowledge their sexuality. They fear repercussions ranging from discharge to physical violence, and many are extremely conflicted about their sexual orientation—especially those who didn't know or hadn't acknowledged it before entering the service. They're used to leading two separate lives, one ostensibly straight and one more-or-less gay, with little or no cross-over between them.

Of course, lesbian and gay servicemembers would be under no obligation to make their sexual orientations public if the policy were changed. And it's likely that few would take the risk of identifying themselves, given that such a policy change would prompt dormant homophobia to bubble to the surface. But if they didn't feel at liberty to come out, what would be gained by allowing them to serve openly?

Despite these practical considerations, gay activists and their supporters pushed Clinton to repeal the ban, without weighing the consequences for the tens of thousands of gay people then serving. To the activists pushing Clinton to repeal the ban, the cause was the important thing, and the people caught in its aftermath mere abstractions. I found their paternalistic attitude both irritating and counterproductive, and the few of us who had misgivings about the "don't ask, don't tell" policy have been proven tragically correct.

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What's more, what was before merely an internal military regulation is now enshrined in federal law.

As if to fulfill Bob's dread, a year after Clinton announced his intention to allow gays and lesbians to serve openly in the armed forces, Navy petty officer Allen Schindler was murdered by fellow sailors on the U.S. base in Sasebo, Japan because they *thought* he was gay.

The climate hasn't gotten much better since "don't ask, don't tell" became the military's official policy. The co-executive director of the Servicemembers Legal Defense Network recently noted that "Many [servicemembers] come out and are discharged as their only effective recourse to stop threats and other harassment. Harassment increased 120 percent in 1998 alone. Others are turned in by people they thought they could trust—psychologists, doctors, best friends, and even relatives—or are outed by commanders who improperly seize their diaries, computer files, and private correspondence. Leaders routinely look the other way while service members are hounded about their sexual orientation."

Seven years after Schindler was murdered, Army Private First Class Barry Winchell—by all accounts a model soldier—was bludgeoned to death in his barracks at Ft. Campbell, Kentucky, in the early morning hours of July 5, 1999. The two soldiers who committed the murder with a baseball bat as he slept *thought* he was gay.

How did gays protest Coors' homophobic personnel politics? By calling for ineffectual boycotts of Coors products in lesbian and gay bars. La di da! As if giving up one particular brand of beer were a sacrifice.

Gays in the Military Are Not the Same as Blacks in the Military

Although gay activists like to cite Harry Truman's 1948 Executive Order 9981 integrating blacks into the military as the archetype for what they seek for lesbians and gay men, they have an imperfect impression of just what President Truman actually did. His order included no fixed timetable. It required that "any necessary changes [be made] without impairing efficiency or morale." And a committee was created to determine how best the transition to a completely integrated force could be carried out.

Often overlooked, too, is the fact that the integration process had already been underway in the Army at least since the 1944 Battle of the Bulge, if not earlier. It was then that the theater commander desperately asked for all the volunteers he could get (regardless of race and, one suspects, sexual orientation) to help turn back the German offensive. Most important, the integration effort continued for years after Truman promulgated his executive order. Further, Executive Order 9981 was issued at a time when the draft was still in force; no one had a choice about entering and continuing to serve in a racially integrated military.

Gay activists tend to overlook these extenuating circumstances, in part because the Truman order fits neatly into their oft-made analogies equating the situation with respect to gays in the military today with that of blacks after World War II.

Yet no one who is familiar with the black struggle for civil rights could say so cavalierly, as most gay activists do, that blacks and gay people are in the same boat. Gay people, for starters, have not been routinely mistreated throughout U.S. history the way blacks have, and they were and are not perceived the same way by society at large. The reason is simple: Blacks are visible and therefore have been unable to avoid persecution.

Gay people, on the other hand, can pass for straight at will. And until society has changed enough so that most gay people don't feel compelled to live multiple existences, they will continue to remain invisible. The paradox is that remaining invisible allows others to demonize gay people and to project every unpleasant characteristic onto them without fear of contradiction, which further discourages gay people from becoming visible.

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I know some will accuse me of blaming the victim, but I believe much of the responsibility for disrupting this vicious cycle rests with gay people themselves. Polls indicate the best antidote for homophobia is knowing people who are gay, but few gay people are willing to administer it.

Blacks, to achieve their rights, willingly faced ruthless violence not only from anonymous perpetrators like members of White Citizens Councils and the KKK, but also from officials in local government. In the end, many were beaten or even killed for no other reason than their skin color. Think of the 16th Street Baptist Church bombing, the lunch counter sit-ins, and Bloody Sunday in Selma, Alabama. The list is long.

On the other hand, I can't think of one instance in which gay civilians have ever systematically and en masse risked their jobs, much less broken heads or jail, for equal treatment. The Stonewall riots of 1969 might qualify if they had had a coherent goal in mind. But they weren't organized social protests. They were riots, violent reactions by a small group of gay people (specifically, drag queens) tired of being harassed merely because of who they were.

But those who participated in the riots—physically brave as they were—risked little; they were already social outcasts. Not only were they spurned by society at large, they were also anathema to most "respectable" gay men and lesbians of the day who dressed and acted conventionally and remained in the closet. The same is true of ACT-UP's various public outrages in big cities like New York and San Francisco.

Some argue that annual gay-pride parades—attracting, in places, hundreds of thousands of gay and straight participants and spectators—demonstrate that society is changing. After all, if coming out of their closets is so dangerous, why do so many gay people do so once a year? But putting on a pink triangle or carrying a rainbow flag in public once a year—in a city you don't live in—with hundreds or thousands of others and then returning to one's seemingly straight life for the rest of the year is hardly "coming out of the closet." Attending a gay-pride parade is a low-risk, feel-good endeavor, because the chance of being identified as gay by someone who can negatively affect your life (fire you from a job, evict you from your apartment) is minimal. There is anonymity, as well as strength, in numbers.

Also, despite the fact they're ostensibly meant to commemorate the Stonewall riots of June 28, 1969, practically every weekend from early May through late October you can find a so-called gay-pride celebration somewhere in the country. With their six-month run and emphasis on showing as much skin as possible, they have turned into nothing but a hedonist's equivalent of a progressive dinner party, not a means of making a political statement.

Failures of Gay Activists

In Europe after World War II, General Dwight D. Eisenhower told his clerk, WAC Sergeant Johnnie Phelps, that he'd heard rumors there were lesbians in the WAC battalion and asked her to prepare a list naming them so he could discharge them. Phelps bravely told Ike that she'd do as he asked, but that her name would be at the top of the list. A more junior clerk then spoke up saying, "Begging the general's pardon, but my name will be above Sgt. Phelps' because I'll be typing it." Realizing he'd be getting rid of most of his file clerks, typists, and a large share of his headquarters' support staff, Eisenhower withdrew the order.

But what was the response of the "gay community" in the 1980s to the Coors Brewing Company's homophobic personnel policies? Did all the gay people working for Coors follow Johnnie Phelps' example? No. Instead, self-appointed gay leaders, safe in their gay ghettos, called for an ineffectual boycott of Coors products in gay and lesbian bars. La di da! As if giving up a particular brand of beer were a sacrifice! And do wave after wave of gay people conduct sit-down strikes in marriage license offices around the country to protest the current marriage laws they claim they want changed? Not that I've heard.

Blacks, by risking all, showed that they considered equal treatment important to them. What do ordinary gay people show by not risking anything? Until gay civilians are willing to put things they consider important in jeopardy for a principle—if only by letting their best friends and family members know they're gay—I can't see how they can claim a new gays-in-the-military policy is a priority. Gay activists, most never having served in the military, put the cart before the horse when they focus on the military rather than on bringing about tolerance and acceptance in larger society, which ultimately would make integration of openly gay people in the military a non-issue. And it seems a little unfair (and hypocritical) to force the military to take steps we won't make civilian employers take.

Rarely do gay activists acknowledge that gay people might bear some responsibility for reaching their stated goal. The pick-and-shovel work of individual civilian gays showing themselves to be worthy of respect and compassion by being good neighbors, co-workers, etc. and, at the same time, subtly letting others know they're gay is not something gay activists seem enthusiastic

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about embracing. Instead, like perpetual two-year-olds, activists and their followers want their way and they want it NOW!, preferably from a magic-bullet solution like an executive order or Supreme Court decision, requiring little personal sacrifice from individual rank-and-file gay people. But there is no gain without pain. Forced changes in behavior often have a way of hardening rather than transforming beliefs. As we saw in Boston in the '70s, court-ordered integration through school busing was singularly unsuccessful at improving cross-cultural understanding.

The argument is often made that any military policy change can be made to work with good leadership. But good leadership only goes so far. Assume policies are put in place that address anti-gay harassment and violence. How are we to know if they're successful unless people come forward to say they've been harassed, an act that would breed assumptions about their sexual orientation? A non-exclusion policy can only work if the social climate in the country at large and in the military allows gay people to feel secure about coming out.

No one—not the gay activists, not Clinton or his aides—worked to find out if gay people in the military actually wanted what the would-be president and his gay backers wanted for them.

Giving in to Bigotry

I understand that in some people's minds (mine included), this is a basic issue of human rights or morality. But even our most revered leaders have understood there are circumstances under which dealing with moral issues requires patience and a longer-term perspective. Rescinding the anti-gay policy before the rest of the society is ready for such change would weaken the military—by throwing gasoline on a fire still smoldering after eight years. Getting rid of the ban on gays serving openly in the military is the morally correct thing to do. But practical considerations must sometimes delay the pursuit of moral visions.

Given low unemployment, the current dearth in the desired age cohort, and an all-volunteer military, policymakers don't shrink their employment pool without good reason. So why do they eliminate all gay men and lesbians from consideration? In wartime, as evident at the Battle of the Bulge and in Ike's office, many allowances are made which might not be made in peacetime—including relaxing prohibitions on gay service. In peacetime, however, administrative imperatives often supersede other considerations. Commanders are understandably reluctant to push policies that might hinder mission performance by impeding recruitment and retention or by making personnel uncomfortable with gay people who serve with them.

Aside from reinstating the draft and forcing almost everyone to serve—gay and straight—the only alternative today is to recognize that military missions are paramount and those who might hinder mission performance, even if that hindrance stems from others' bigotry, must be excluded, however reluctantly.

It's folly to say gay people should be allowed to serve openly in the military, and that non-gay people should be forced to accept them, when the majority of society feels otherwise. Privacy and other concerns might seem ridiculous covers for a homophobic agenda. But activists don't seem to understand that such concerns are real. Instead, they simply pooh-pooh them. This is not a tactic likely to achieve much success.

All of the armed forces are experiencing increased operating tempos, personnel retention, and recruiting problems, and an internal debate over not only future force structures but over missions. Do they really need another complicating factor to deal with, given the disruption overturning the exclusionary policy would entail? I don't think so.

As the older and more homophobic military brass retire and as acceptance of gays in civilian society changes, gay men and lesbians already in the military may start to feel comfortable enough to take a few tentative steps out of their closets. But that time is likely a decade or more in the future. Let's not rush things; let's leave the policy as it stands pending that day when everyone is judged not by their sexual orientation but by the content of their character.

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This Ain't Your Momma's CIA

The Agency didn't play a lead role in ousting Milosevic. Thank God.

BY NICHOLAS THOMPSON

AT A PRESS CONFERENCE IN EARLY 1999, three of Slobodan Milosevic's ministers breathlessly announced that they had discovered a secret CIA plot to overthrow the government of Yugoslavia. Waving a document marked "Top Secret," they revealed a sinister scheme to funnel money to "traitors" like resistance groups, intellectuals, and even journalists. Defense minister Ratko Mladic said Americans "think that everything is for sale, and everything, even democracy, can be bought."

Mladic was trying to invoke the ghosts of the swashbuckling, sinister CIA of the past that might have plotted to finish Milosevic off with an exploding cigar or sent Stinger missiles to his political opponents. But Mladic didn't have a lot to go on. The nefarious plan consisted of congressional testimony prepared by a fellow at the United States Institute of Peace, a government think tank and grant-giving organization. Mladic and his fellow whistleblowers had simply downloaded the document from www.usip.org, changed the letterhead, and stamped "Top Secret" on top.

There were, no doubt, a couple of spies in Belgrade with sunglasses, boxes of secrets, and secure satellite phones connected to CIA headquarters. But the campaign to oust Milosevic was organized mostly by guys in blue blazers carting around boxes of campaign stickers. From the end of the war in Kosovo until last October, when the Serbian people stormed parliament and booted out Milosevic, the Central Intelligence Agency seems to have spent its time, of all things, centralizing intelligence. That's why Mladic had to stretch so far to pin the blame on the Agency. It's also one major reason why the operation to remove Milosevic worked so well.

Cloak and Dagger

The CIA has always supported democracy in hostile countries with a goal, as Eisenhower put it, "to get the world, by peaceful means, to believe the truth." But when peaceful means have failed, or seemed inconvenient, the CIA has also run subversive cloak and dagger campaigns to give the world that truth, good and hard. A Cold War CIA report on covert action stated: "There are no rules in such a game. Hitherto acceptable norms of human conduct do not apply."

Both peaceful democratic support and dark operations have existed since the Agency's beginning. Created out of our World War II intelligence operations, the CIA's first major operation was to provide money and technical training to Italy's Christian Democratic party as it successfully headed off the Communists in the 1948 elections, helping to stall the leftist movement growing amidst the rubble of Europe. Only a few years later, the Agency removed Jacobo Arbenz in Guatemala by dropping Coke bottles filled with gasoline to simulate bombing, spreading disinformation over the airwaves—"It is not true that the waters of Lake Atitlan have been poisoned"—and creating the false impression that the left-leaning government was

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under siege. Arbenz fled the country in fear and a CIA man was soon propping up a hungover Elfegio Monzon in the shower as Monzon prepared to be sworn in as president.

For the next 15 years, the CIA played both dark and peaceful roles aggressively. The Agency sent men to the beaches of Cuba, trained Tibetans in Colorado for an invasion of China, and organized a war from the hills and swamps of Laos. At the same time, it served as an international endowment for the arts, trying to spread democracy by funding everything from Jackson Pollock's splatter painting to the magazine *Encounter*, edited by Stephen Spender and Irving Kristol. The cover for this arts funding was blown in 1967, though, and as a result of the ensuing outcry, the Agency shut down large-scale peaceful support for democracy for 15 years.

Ronald Reagan loved subversion, and he empowered CIA director William Casey to covertly organize a war in Nicaragua. But Reagan's more lasting legacy comes from his recognition that the weakness of communism could be exploited by international institution building. Reagan proclaimed in 1982 that "The march of freedom and democracy will leave Marxism-Leninism on the ash heap of history," and set in motion a major movement that led to the creation of a number of QUANGOs (quasi-nongovernmental organizations) like the National Endowment for Democracy (NED) that worked to build democratic opposition abroad. In a way, NED was chartered to do what the CIA used to do, only working bottom up and helping activists instead of working top down and lopping off heads.

Reagan also worked inside the White House, pulling Walt Raymond, a top-ranking CIA official, over from Langley to organize what the president called "Project Democracy." As part of the project, the United States Information Agency (USIA) began to cook up plans that, except for their openness, seemed like the old CIA. In the summer of 1982, USIA organized democracy-building seminars for African colonels, voting technique lessons for Peruvians, and conferences on freedom for the press in the Philippines and Romania. Cultural ambassadors were even sent by USIA from universities to travel around and preach Reagan's gospel of democracy, and in what Vaclav Havel would say was the most important thing the United States did for his country, USIA beamed the Voice of America and Radio Free Europe into Czechoslovakia. Simultaneously, the CIA sent millions of dollars to the Solidarity movement in Poland by way of the international arm of the AFL-CIO.

Reagan and William Casey's dark-side dealings in Nicaragua blew up with the Iran-Contra scandal, creating a backlash that led to increased congressional oversight of the Agency and a gradual effort by future CIA directors to open it to the public and the media. But the movement to promote democracy only gained influence. The QUANGOs, all dependent on U.S. grants and with boards full of ex-CIA and other U.S. government officials, grew stronger and ultimately played a prominent role in ousting Milosevic, 18 years after Reagan's evocation of history's ash heap.

James Bond Gets A Focus Group

The Balkans became a major international priority for the United States in 1991, when Croatia and Slovenia declared their independence from Yugoslavia and the multi-ethnic nation cracked into five different parts, each holding a knife to its neighbors' throats. The region split and then split again, until Yugoslavia consisted of just Serbia and the much-smaller Montenegro. As the country divided, the United States waffled over policy—supporting Milosevic, then abandoning him. But by 2000, after Milosevic drove the United States and its Western European allies to war by invading Kosovo, the butcher of Belgrade simply had to go.

The post-war plan seemed to come more from the playbook of James Carville than William Casey. It kicked into gear in October 1999, when the National Democratic Institute (NDI), a QUANGO created by Democrats in the wake of Reagan's 1982 speech, gathered a group of top Serbian activists in the Marriott hotel in Budapest. NDI had commissioned polls that showed Milosevic's vulnerability—70 percent of the population viewed him unfavorably—and demonstrated that the most likely candidate to defeat him was a little-known nationalist named Vojislav Kostunica whom few people loved but even fewer hated. The strategy was much like the Republican Party's in 2000: Find someone palatable, get solidly behind him, and ride to victory.

Fed up with the wreck Milosevic had made of their country, the Serbian opposition united behind Kostunica. From then on, the State Department and American and European QUANGOs helped the Serbs organize a campaign combining advanced Western strategies—tracking polls, snappy slogans—with the lessons of nonviolent resistance from countries like Czechoslovakia that had ousted totalitarian regimes.

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To assist in the latter goal, the International Republican Institute (IRI), another Reagan-era creation, sent a Vietnam veteran named Robert Helvey to teach the Serbian student opposition group, Otpor, how to "identify sources of power for the regime." Helvey and the students recognized that, like so many totalitarian regimes of the past, Milosevic's government drew its power from its inevitability and the notion that it would never be defeated. Shattering the illusion could essentially topple the regime. As Vaclav Havel wrote in his seminal essay, "The Power of the Powerless," such unconscious subordination holds totalitarian systems together. Without it, "the structure of the totalitarian regime vanish[es]. It disintegrate[s] into various atoms colliding with one another in their unregulated particular interests and inclinations." The Otpor activists subsequently plastered 2.5 million stickers with the slogan "Gotov je" or "He's finished" in nooks and crannies across the country, making it their mission to convince their countrymen that Milosevic could and would be defeated.

Forget exploding cigars, our campaign to oust Milosevic was organized mostly by guys in blue blazers carting around boxes of campaign stickers.

Sticking It

The "Gotov je" stickers, like much of the rest of the materials in the campaign, came from the U.S. State Department, either directly or funneled through one or more of the QUANGOs. The nonprofits also provided indispensable supplies: computers, fax machines, T-shirts with clenched fists emblazoned in the center, spray paint intended for scrawling anti-Milosevic graffiti. Serbs dominated the campaign, but there's no discounting the international role. Even now, Otpor activists who speak mostly Serbian call their efforts to increase turnout before the election "GOTV," an acronym based on the American slogan "Get Out the Vote."

Delivering the money and supplies to the activists wasn't easy. Milosevic had nationalized the banking system and people working for the State Department or the QUANGOs had to literally hand over bags of cash in Montenegro or Hungary. The activists would take the money and drive back to their homeland. When asked how the money got to them, an Otpor spokesman, Marko Djuric, says, "Milosevic's regime had some corruption, so there were ways in."

The State Department also acted directly through the Agency for International Development (AID). The biggest project was the construction of the "Ring Around Serbia," a series of radio towers in neighboring countries designed to beam the BBC and Voice of America into Serbia. Wanting to show that the opposition could do what Milosevic and his allies couldn't, AID also set up a moderately successful program to deliver food to cities controlled by opposition parties.

The QUANGOs also spent a great deal of money training election observers, one for almost every district in Yugoslavia. When the polls closed, the vote counters pooled their results and demonstrated convincingly that Milosevic had been trounced, preventing his last-ditch efforts to cook the books. Overall, the United States gave the Serbian opposition about $50 million. That's not much compared with the cost of a B-1 bomber, but it's about the equivalent of spending $2 billion on an American campaign, given Serbia's population and cheaper prices. The United States government also kept strategy closely coordinated across all the organizations involved. According to one State Department employee who maybe spent too much time with colleagues from NED, "We would see each other all the damn time to the point of nausea."

Slobo in Paradise

The United States and the international community also worked to isolate Milosevic and show Yugoslavs that their leader was blocking the doorway to economic growth and reintegration with Europe. The International Criminal Court indicted Milosevic as a war criminal. Clinton and the European Union placed sanctions on the country, unambiguously signaling that they would be lifted the minute Milosevic was carted out of town. The international

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community also tried to "make the economy scream," as Richard Nixon had instructed CIA Director Richard Helms to do in Chile 30 years before.

Working with the international community, and closely following the movements of Milosevic's few trusted friends, the CIA, the State Department, and Treasury tracked Milosevic's assets, which were essentially inseparable from the country's. Through what Clinton's chief Balkans envoy, James O'Brien, calls "old-fashioned detective work," the international community found that the Serb leader was laundering billions of dollars through two major banks in Cyprus. The small island nation wanted to join the European Union and a clear signal was sent that it was unacceptable for Cyprus to run a banking system that allowed Milosevic to launder money. The assets were frozen and so was a good chunk of the Yugoslav leader's checkbook.

With the ruler's cash flow slowed, the economy really did start to scream, or at least huff. Bridges were rebuilt slowly; soldiers weren't paid on time; taxes increased on wages that never came. The president was forced to hold out his hat with national campaigns based on slogans like "A dinar for roads," asking for donations in Yugoslav currency. In July 2000, perhaps recognizing that he couldn't financially survive through the winter without solidifying political support, Milosevic called the fateful elections set for September. Fed up with their national chaos, though, the Serbs trounced their leader. Fittingly, President Kostunica's most successful campaign slogan was, "We need a normal life in a normal country."

Rules for Radicals

Throughout the campaign, the CIA gathered important information, but mostly it stood on the sidelines. It helped to write the script and plot strategy, but it didn't carry out the plans. The Agency worked mainly through an entity called the Balkans Task Force, controlling communication among the myriad agencies that make up the intelligence community, from the intelligence gatherers at the Pentagon to the satellite-image analysts at the National Reconnaissance Office. The Task Force was organized in 1991, but remained primarily an information-gathering organization. According to an agency source, even in 1995, the CIA had fewer than half a dozen people on the ground in Belgrade.

Part of the reason for the CIA's reticence is that scandals of the past have led to the creation of safety mechanisms. Any plan has to be approved by the National Security Council, vetted by CIA lawyers, signed by the president, and shown to the intelligence committees in the Senate and House. The Agency also now has to worry about possible violations of international codes that could get U.S. officials hauled before the International Criminal Court, a concern that reportedly played a major role in the Serbian strategy.

In contrast to years past, the CIA and Congress worked in concert on Serbia, and the Agency piled information on Capitol Hill. According to former Senator Bob Kerrey, who served on the Senate Intelligence Committee from 1990 to 2000, under Clinton "there was a virtual fire hose of information from the CIA." For example, in 1996, when a CIA case officer learned that there might have been a deal approved by the American ambassador in Croatia to ship arms from Iran to the Bosnian Muslims, he didn't turn a blind eye, or offer to help out, as William Casey had done with the Contras; he ratted the incident out to Congress.

At any step on the oversight trail, an opponent of a covert CIA plan, or someone who just thinks it's outrageous, can leak it to the press. That is what happened to a proposal for covert action allegedly signed by President Clinton in June 1999, which would have allowed the CIA to hack into Milosevic's computers and to try to instigate a palace coup, but that was leaked to *Newsweek*. The plan was miniscule compared to our overt work, but for undisclosed reasons—perhaps because of fears that public exposure of such hacking would make the United States itself an increased target of cyber-espionage or because it could be construed as a war crime—that plan was not implemented, according to Kerrey.

Playing by the Rules

There's a certain hypocrisy in trying to build open societies through secret action. The Senate went into paroxysms of rage when it learned of money funneled from Asia into the Clinton campaign, even if that was only peanuts compared to what we sent to Serbia. Removing a tyrant like Milosevic does require a different set of standards than a race between a moderate Democrat and a moderate Republican. But the lessons of our past show that when we throw all the rules out the window, we have shown a strong tendency to shoot ourselves in the foot, if not the head.

The CIA has an abysmal record of covert action. To be sure, the CIA's failures, almost by definition, get more play in the history books than its success-

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es; but even when successful, it has unleashed forces beyond our control. When we removed Arbenz from power in Guatemala, we ushered in 40 years of brutal military rule and alienated much of Latin America. We even inspired a young Che Guevara living in Guatemala to turn to socialism. CIA support for Afghan rebels in the early 1980s helped facilitate the collapse of the Soviet Union, but the same people we had shipped missiles to later drove an explosive-laced truck into the basement of the World Trade Center. In 1991, CIA Director Robert Gates said, "Other parts of the intelligence community can cause controversy, but it seems like the clandestine service is the only part that can cause real trouble."

Our recent record isn't much better. As reported by Andrew and Patrick Cockburn, the CIA tried to organize a coup against Saddam Hussein in the winter and spring of 1996, but the Iraqis cracked our plans and arrested nearly all of the American agents working inside the country. On June 26, not long before the planned day of action, Iraqi officials used their stolen communications equipment to send a message to the Agency's base in Jordan: "We have arrested all of your people. You might as well pack up and go home."

In Serbia, covert CIA action had serious potential to create blowback. The United States and NATO had just spent months bombing the country and Milosevic desperately wanted to be able to pin the label of Yankee Stooges on the opposition. This is partly why Serbs were drawn to Kostunica, who swore that he had never taken a dime from the United States. According to Robert Helvey, "The easiest way to destroy a movement is for the CIA to taint it." By acting in the open, the United States also knows that it can leave Serbia having helped empower a group of young democratic activists, not warlords with Kalashnikovs strapped to their backs or even the Agency's shady friends of the past, like Manuel Noriega or Peru's Vladimir Montesinos.

A Kinder, Gentler CIA

Serbia isn't a perfect model for future democracy building since so many stars lined up: Everybody hated Milosevic so there was no fear that by supporting the opposition we were helping to brew a cure worse than the disease. It's also easier to marshal political resources for European intervention than in other parts of the world, and Serbia did have a basic level of openness that helped to feed our strategy—Serbs did have TVs, and they did have elections.

Even so, the stunning success makes a very good case that open intervention and support should be more and more the future of the CIA. The Cold War made open intervention impossible in nearly half the globe. But those barriers are down, and globalism and development are making covert action even less practical. You can manipulate a village if there's only one guy with a radio; you can't if they've got CNN. And long gone are the days when Lyndon Johnson could say to the Greek ambassador to this country: "Fuck your parliament and your constitution ... If your prime minister gives me talk about democracy, parliament, and constitutions, he, his parliament, and his constitution may not last very long."

When we throw all of the rules out the window, we don't just expose ourselves to charges of hypocrisy. We have shown a strong tendency to shoot ourselves in the foot, if not the head.

In some ways, time has passed the sinister side of the CIA, and an open world is not one the CIA dominates. According to Peter Galbraith, former ambassador to Croatia, "Espionage is an expensive and not very useful way to follow internal political developments. It is easier to talk to people and to read the newspapers."

In Serbia, the world was open enough to make covert action a sideshow, and we should certainly hope the future will see more campaigns like this. As Nenad Konstantivoc, an Otpor leader said, "We did not need intervention. In the 21st century we could bring Milosevic down in a civilized way." History seems to suggest that it's better to help people make their own government more democratic by giving them stickers, rather than trying to hand their president an exploding cigar. ●

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The Washington Monthly Journalism Award

DECEMBER 2000

KIM CHRISTENSEN, RICHARD READ, JULIE SULLIVAN & BRENT WALTH

Liberty's Heavy Hand

The Oregonian, December 10-15, 2000

A four-month investigation into the U.S. Immigration and Naturalization Service reveals widespread mismanagement and policies encouraging civil rights abuse. The authors probe the I.N.S.'s record of jailing asylum seekers, mistreating immigrants, and breaking up families. The series concludes with a look at past and present efforts to reform the agency, which thus far have been more problematic than productive.

DAVID WILLMAN

The New FDA

The Los Angeles Times, December 20, 2000

Responding to pressures in recent years from Congress and the White House, the U.S. Food and Drug Administration has exchanged its role of watchdog for that of partner with the pharmaceutical industry. In some cases, Willman finds, the results have been fatal.

R.G. DUNLOP

Kentucky Shortchanging Coal Miners' Safety

Louisville Courier-Journal, December 20-22, 2000

Dunlop documents the patterns and tragic consequences of safety violations at several Kentucky coal mines, finding that even in cases where federal officials have investigated, the state mining board chronically has failed to hold managers and companies responsible.

JANUARY 2001

PAUL GALLAGHER & MIKE WALLACE; SHARI FINKLESTEIN & LESLIE STAHL; LESLIE COCKBURN & STEVE KROFT

60 Minutes, January 21, 2000

Three investigative stories that show the best of television reporting. Wallace and Gallagher describe the failures of the Osprey aircraft and expose how a Marine Corps officer falsified maintenance records for the Osprey in order to keep the controversial plane flying, ultimately with fatal consequences. Finklestein and Stahl describe the side effects of AIDS drugs as well as the attitudes that have caused infection rates to begin to rebound. Cockburn and Kroft show the disasters that Zimbabwe President Robert Mugabe has brought his country, fomenting racism and violence in a last-ditch effort to hold on to power.

THE MONTHLY JOURNALISM AWARD is presented each month to one or more newspaper, magazine, radio, or television stories (or series of stories) that demonstrate a commitment to the public interest. We are particularly interested in reporting that explains the successes and failures of government agencies at all levels and of other institutions such as the media, corporations, unions, and foundations that contribute to the existence or solution of public problems. Please send nominations (including two copies of the article or broadcast text) to The Washington Monthly Journalism Award, 1611 Connecticut Ave. NW, Washington, DC 20009. Or e-mail us at **editors@washingtonmonthly.com**. Nominations for stories run in February due March 3.

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Manufactured Consent

How to win back our civic faith after the non-election

BY JIM SLEEPER

POLITICAL AEONS AGO—A WEEK BEFORE January's inaugural rites worked their magic on President-Select George W. Bush—the political philosopher Michael Sandel took to the op-ed page of *The New York Times* to bolster both the legitimacy of electoral democracy and the legitimate anger of Democrats who remain unpersuaded of the election's integrity and outcome. Sandel assured senators that they could "question Mr. Bush's mandate to implement an ideologically conservative agenda" without having to "dispute his legitimacy as President" or "undermine respect for the institution" itself.

The reassurances were superfluous, not only because the Ted Kennedys and Chuck Schumers knew how to feign combat without them, but because it's too late to forestall a general ebbing of respect for the presidency, the Congress, and of course, the Supreme Court, which has shaken "confidence in the judge as an impartial guardian of the rule of law," as Justice John Paul Stevens wrote in dissent. Beltway players and those who would advise them may be smart to hold their cards to fight another day. But how much legitimacy can be salvaged that way? What might it take to restore the credibility our institutions have lost?

Ever since Al Gore made his consummate player's concession on December 13, we have watched professors, politicians, and pundits huff and puff to keep credible the notion that our democracy is more than a shell game. We have watched the inauguration give the new emperor a new suit of clothes, even as politics-by-Internet roused a few thousand demonstrators to wistful protestations of a lost civic love. Only hours after Gore's concession, a rare, forlorn-looking young Republican told a CNN studio audience, "I voted for Bush, but I didn't want him to win *this* way." There was a brief silence on the set, as if everyone already knew it was Time to Put This Behind Us and Move On, and that the poor fellow had spoken out of turn.

Speaking out of turn, too, apparently, was Pam Iorio, the Democratic elections supervisor of Florida's Hillsborough County; she cheerfully told a reporter, the day the Supreme Court stayed the last official recount, that her canvassing board had kept right on separating "undervote" ballots that afternoon, the better to tally them expeditiously should the count resume. Inspired by Iorio to a fantasy of civil disobedience, I wondered in a *Los Angeles Times* column how the court or the Florida Legislature could withstand the spectacle of sheriffs' deputies carting American citizens away from ballots they'd kept counting, in defiance of authority but in affirmation of the principle that democracy should not be palmed off to lawyers, let alone statisticians.

No sooner had I praised her for implying this than Iorio, reportedly contemplating a run for mayor of Tampa, felt moved to "clarify" her views: "There is a feeling that if only hand recounts had been allowed to continue, we would know the truth," she told a reporter the next day. "But the truth is very elusive in this race. And I think what we'll find is that the truth remains elusive." Apparently I, too, had spoken out of turn by preferring elections to epistemology.

Peace By Any Means

"There are no tanks in the streets!" exulted the pundits. But the reason had changed subtly, from public trust in the system's legitimacy to public resignation to the truth that a pivot of civic faith has slipped out of our lives. Sensing this more acutely than most, Bush himself protested in his inaugural address that we need "a deter-

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mined choice of trust over cynicism, of community over chaos." But trust can't be secured in the lawyers', statisticians', or pollsters' nets that corralled his victory, much less in the markets that were so much on James Baker's mind in the crisis. It has to emerge from a culture of debate and dialogue, free of any strong-armed rush to consensus or blithe assurances that what matters isn't consensus at all but liberation by the Invisible Hand. No wonder the loss of public trust has become almost unmentionable in our public discourse, except as a grace note. By invoking it more urgently than that, even Bush was speaking somewhat out of turn.

The problem of trust has little to do with the newly selected president's positions—I say so as one drawn to some of them on education and race. The problem isn't partisanship, but paralysis. In 1992, E.J. Dionne urged that "a politics dominated by false choices and phony issues is worth being angry about. That anger is beginning to have an impact."

Where, though, in 2000? The morning after Gore's concession, a friend who is a federal prosecutor e-mailed me his account of our anomie:

"As for last night's speeches, reconcile, schmeckoncile. It's all staged democratic psychodrama designed to let everyone commute to work relatively relieved that the election is over so they can focus on the important things in life, like whether to remodel the kitchen, whether to sleep with some colleague at work, whether to put some ailing parent in a nursing home, or confront their kids about their obvious drug use, or buy a DVD player or some other gadget to make them feel better about what otherwise will seem like a morally void mélange of indistinguishable days preceding inevitable death." No clean civic anger there.

Candidates Bush and Gore strove almost desperately to prove that government is mainly about quotidian preoccupations like those my friend mentioned. But government can't be credible if public life is "morally void," if citizens hunker down defensively in religious sodalities, unions, neighborhood, racial and other groups that no longer point them outward to a larger civic life.

Without a deeper civic trust in a sovereign, democratic polity, this country is little more than a slippery web of contracts and rights, open to every subtle tug, seduction, or seizure. The lesson of recent months is that if citizens stop engaging one another as shapers of a common destiny, society will drift witlessly, from alarm to alarm, and all the social scientists' horses and men won't put Humpty Dumpty together again.

How Far, How Fast?

There is a pea under the new prince's bed that won't disappear just because Beltway players affirm his legitimacy and pundits slather the republic's foundations with an ooze of false comity, or because lawyers for both sides proclaim the historical contingency or indeterminacy of "equal protection." Even if a private recount of Florida ballots had buried Gore's claims to the state, another nail in his political coffin wouldn't dispel the surrealism of his hailing a winner without anyone's having a credible idea who'd won.

Nor can we retire doubts with excuses like Iorio's about the elusiveness of the truth. "The margin of error in the voting machines was greater than the margin of victory for either candidate," claimed Andrew Sullivan, intoning the conventional statistical wisdom. But that doesn't mean that no count was better than another. The one killed on Dec. 13 would have been better than the one of Nov. 7 not because it would have yielded very different results (who knows?) but because it was restoring civic faith that who won matters less than whether ballots cast are ballots counted. Churches don't give communion statistically; neither can a republic abide a ruling that thousands of the faithful who entered the temple of democracy and took wafer and wine weren't communicants, after all. There is a difference between keeping a faith whose fulfillment is imperfect and being in denial about the fact that it has been traduced. We are learning to lie to ourselves more subtly, and therefore more casually.

A Phantom Public?

"The kind of self-education which a self-governing people must obtain can be had only through its daily experience," wrote Walter Lippman 80 years ago. "[A] democracy must have a way of life which educates the people for the democratic way of life. It is social control not by authority from above but by a common law which defines the reciprocal rights and duties." As early as the 1920s, Lippman blamed the waning of popular sovereignty on something conservatives have since come to champion: Relentless, ever-more-intrusive consumer marketing. A "buying public" wasn't a deliberating one, he warned; mass marketing showed "that consumers are a fickle and superstitious mob, incapable of any real judgment as to what it wants." The state, seeing this, gets into the act, cajoling the public with demagoguery and lotteries, reducing popular sovereignty to a euphemism.

Lippman concluded that consent of the governed is manufactured by leaders who conjure up the majorities they seem to obey. The "manufacture of consent" is assisted, even guided, by purveyors of news-as-entertainment. But even Lippman didn't foresee today's plague of political commentators, so beholden to entertain-

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ment-conglomerate employers that CNN's Bill Schneider delivered his day-after-Christmas political commentary wearing a Santa cap while listing "gifts" that would help Bush succeed. To hear the praise and relief lavished on Gore's concession by such "Disney pundits," one might have thought the election merely a game decided by a referee's bad call.

The commentators' skittish contempt for the public in the moment of its disenfranchisement rode a deluge of hypocritical pieties about democracy—the kind supposedly exposed by satirists such as *New York Times* columnist Maureen Dowd. But the anti-politics behind the pieties is only strengthened by those like Dowd who serve as safety valves for cynicism about media happy talk, shadow boxing, and attack ads. Conservatives, too, are cynical: Lippman wouldn't have been surprised by the Moral Majority's easy metamorphosis into a conservative moral minority, moving swiftly in black robes above a media cacophony that has become an almost universally distrusted caricature of discourse.

Witnessing Civic Faith

When democratic deliberation is degraded like this and the constitutional system is down, it sometimes falls to a few uncommonly brave citizens to demonstrate what's best, if dormant, in the rest of us. Principled civil disobedience isn't for everyone, but like the occasional referendum, it can sometimes cut through litigation and partisan backbiting that cloud or asphyxiate public conversation. Civil disobedience tells the authorities and its adversaries, "Our understandings of justice are incommensurate. Here is ours, in action. Explain yours, in terms ordinary people can test against their experience and commitments. We recognize that, since one group's or person's oppression is another's idea of justice, we need law to mediate our passionate convictions. So we break the law peacefully only to show that this law or ruling is wrong, and we pay the legal penalty to affirm the law's larger promise."

The clarity of such a challenge always takes pundits and politicians by surprise, as Pam Iorio's feint toward continued ballot-counting would have done had she and others followed it through. But democratic renewal can't be conjured up in newspaper columns overnight or happen in a few great televised moments. Lone Rangers like McCain or Nader can't sustain it. It has to be prepared for by social education, political organizing, and public outreach, worthy of that envisioned by John Dewey, Hannah Arendt, and others. The early civil-rights movement was many years in the making, struggling to find historic moments of opportunity to stir comfortable whites and draw sympathy to Rosa Parks or Martin Luther King, Jr.

Parties that serve plutocracies can't nourish such faith or action. George W. Bush is too tethered to such ways of knowing the world to nourish it. But I think he does yearn for a civic faith whose renewal he came close to glimpsing in his senior year of Yale. Bush was in the class just ahead of mine; he lived in the entryway next to mine for three years, and was president of DKE, my roommate's fraternity. One wintry morning in 1968, as I plodded along on my way to class, I noticed about fifty undergraduates gathered silently around three seniors and the university chaplain, William Sloane Coffin, Jr. One senior, a member of Bush's class, spoke into a gusting wind and against fear. "The government claims we're criminals," he said, as I leaned in to listen, "but we say it is the government that is criminal in waging this war." He and the others were handing Coffin their draft cards, identical to the ones in our wallets, and refusing conscription upon graduation six months hence.

Coffin was there to bless a courage few of us fully understood. "Believe me," he said, smiling, strands of his graying hair flying in the wind, "I know what it's like to wake up feeling like a sensitive grain of wheat lookin' at a millstone." I can't say we laughed at that burst of Calvinist humor, but something in us grasped at that ray of hope, because we were scared. As far as we knew, these guys were going to prison, and we were arrested morally by their example. Yet something in their bearing made them as deeply American as Rosa Parks when she refused to move to the back of the bus. As the quiet dignity of her performance credited her white oppressors with some integrity, even while exposing their shortcomings, it had reconstituted our civic life instead of trashing it. Now, too, as the seniors before us took grave risks to resist the United States government in the name of a civic nation transcending "blood and soil" and even capitalism and Cold War ideology, American civil society seemed to have risen from slumber and to be walking again, remoralizing the state and the law. As we watched, the silent, wild confusion we were feeling gave way to something like awe.

One might call gestures like this foolish, even elitist; the German philosopher Jurgen Habermas called them "constitutional patriotism" and marveled that so many ordinary Americans resisted the state on behalf of an experiment, testing, as Lincoln put it, whether republics relying on a higher faith and virtue can endure. But Edward Gibbon reminds us in *The Decline and Fall of the Roman Empire* that Rome slid almost imperceptibly from republican self-governance to imperial rule because

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Augustus sensed that "people would submit to slavery, provided they were respectfully assured that they still enjoyed their ancient freedom."

Rome was a caste society, of course, even when it called itself a republic. We are not quite that, but Bush, his father, and Coffin were in Yale's most powerful secret society, the intergenerational Skull and Bones. Coffin seemed a traitor to it, but arguably he was its conscience, while his younger Bones brother missed the little demonstration that morning that changed my life. "There wasn't a lot of protest at Yale in 1968," Bush told a reporter. "I don't remember that." Breaking Bones tradition in a different way, he got out of the war.

I performed two years' alternative-to-military service as a conscientious objector, but I've never faulted anyone who served out of duty or conviction. It's those who duck wars and dodge elections who make me uneasy. I don't know whether Bush feels the pea under his own bed, but how bitterly ironic it is that his non-election is the first time since our Yale years that I've found myself thinking so hard about civil disobedience and better ways to resist the seductions of false comity.

I've been thinking, too, of our president's other fellow Bonesman, the strands of his hair flying in the wind, leaving us with Dylan Thomas' admonition, "Do not go gentle into that good night. Rage, rage against the dying of the light." We need a pedagogy and a politics that can open new conversations about the First Amendment "rights" of campaign financiers, media conglomerates, and consumer marketers who enjoy intrusive power in our own lives, yet deny us much free speech in theirs. We might have begun such conversations had defiant ballot counting been carried out by people like the young Bush voter who didn't like how his candidate had won. We might have it even now if more journalists would risk their jobs to recover their profession as a public trust, not a comedy of manners or a marketing device. Geroge W. Bush is in Lincoln's house in much the same way the "Disney" pundits are in Lippman's chair. Shouldn't the rest of us be in opposition? ●

Memo *of the* Month

CONTRA COSTA COMMUNITY COLLEGE DISTRICT
PAYROLL SERVICES OFFICE

Date: December 5, 2000

To: District Employees

From: Linda Rosales
Director of Payroll Services

Re: W-4 Income Withholding Deadline

Employers are required to notify all employees prior to December 1st, to submit a new W-4 Form if withholding allowances have changed or will change for the next year. (Internal Revenue Service Circular E, Employer's Tax Guide).

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Bandits in Black Robes

Why you should still be angry about Bush v. Gore.

BY JAMIN B. RASKIN

QUITE DEMONSTRABLY THE WORST Supreme Court decision in history, *Bush v. Gore* changes everything in American law and politics. The Rehnquist Court has destroyed any moral prestige still lingering from the Warren Court's brief but passionate commitment to civil rights in the middle of the last century. Now the court has returned to its historic conservative role, rushing to aid the political party of property and race privilege in a debased partisan way, torturing out of the Equal Protection Clause new rules to assure the power of one political faction. *Bush v. Gore* was no momentary lapse of judgment by five conservative justices, but the logical culmination of their long drive to define an extra-constitutional natural law enshrining the rights of white electoral majorities, like the one that brought George W. Bush the White House.

People do not want to believe that *Bush v. Gore* is actually the worst Supreme Court decision in our history because we want that title to belong for all time to the infamous *Dred Scott* decision (1857), which found that African-Americans could not be "citizens" within the meaning of the diversity jurisdiction clause of the Constitution. But *Dred Scott* was, by comparison, a brilliantly reasoned and logically coherent decision. It was a masterpiece of originalism, legal analysis based on the Framers' intent. It demonstrated to the satisfaction of anyone then or today that the original Constitution was indeed a white man's compact and that it was never contemplated by the Framers that slaves or the descendants thereof could avail themselves of the federal courts. (It would take the Civil War and Reconstruction to destroy the white supremacist Constitution.) Of course, original intent is not the only theory of constitutional interpretation, much less the controlling one, but at least the *Dred Scott* decision had a coherent theory rooted in the history and text of the Constitution.

By contrast, *Bush v. Gore*'s Emancipation Proclamation for pregnant chads mocks legal reasoning and represents an affront to the rule of law. It has no grounding in originalism or textualism, the watchwords of the conservatives. It constitutes an assault on federalism and the separation of powers, both of which conservatives pretend to love. And it makes a mockery of the phrase "judicial restraint." In a slapdash job of constitutional interpretation, the conservatives upended and ravaged four foundational relationships in our constitutional system. It usurped the role of the Florida Supreme Court in interpreting state law. It usurped the role of the American people by halting the counting of ballots in a presidential election and effectively choosing the president for them. It usurped Congress' powers to accept or reject the states' electoral college votes. And it reversed the proper distribution of powers in federal government by having Supreme Court justices appoint the president rather than vice versa.

To accomplish these feats, the court had to trample its own restrictive rules about who can even be heard in federal court. In equal protection cases, certainly those involving racial minorities, the Rehnquist Court has been adamant that plaintiffs seeking a hearing may not assert the rights of others or abstract principles of fairness but must establish standing by showing their own concrete personal injury at the hands of the government. Thus, in *Allen v. Wright* (1984), the court denied standing to African-American parents who wanted to compel the IRS to enforce the law by withdrawing tax exemptions from private schools that discriminate on the basis of race. Justice O'Connor stated that citizens have no gen-

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eral right to make government comply with the law and found that the African-American plaintiffs were not personally injured by the white flight allegedly facilitated by the IRS.

But in *Bush v. Gore*, the Rehnquist majority did not even ask, much less explain, how Bush was personally injured by the hypothetical possibility that anonymous third-party citizens might have their ballots counted differently in Florida's presidential election. Nor, for that matter, did the justices ask how stopping the vote counting would redress those third-party injuries.

Like a rampaging elephant in a polling booth, the court overrode not only the glaring standing problem but also the obstacles of federalism and the "political question doctrine." Article II leaves it to "Each State" to appoint its electors, and the 12th Amendment provides that the "President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted." The court should simply have deferred to the states and Congress. That is almost certainly what it would have done if Al Gore had been leading in Florida and had asked the court to stop an order of the Florida Supreme Court for a statewide manual recount of undercounted ballots upon a petition by George W. Bush.

Even if we charitably assume that the court would have considered the merits of an equal protection claim in a hypothetical *Gore v. Bush* case, there can be no doubt that the conservative majority would have dismissed the argument, a theory so weak that the court itself refused to certify it for consideration when Bush raised it on Nov. 22, 2000. Only later when it realized this was the only available hook to hang its hat on did the majority find new life in this approach.

Even if one suspends disbelief and imagines that the Rehnquist Court, in the hypothetical *Gore v. Bush* case, would have determined that there was an equal protection violation, it is impossible to see how the court ever would have arrived at the remedy of halting the recount. If voters are threatened with constitutional injury by potentially not having their votes count when similarly situated votes in other counties are being counted, that injury becomes certain and undeniable if the court orders that they not be counted. How are the rights of pregnant-chad voters vindicated by judicial relief mandating their categorical disappearance in the election?

This paradox reflects the fact that there were no injured plaintiffs as parties in *Bush v. Gore* available to complain about being disenfranchised by the court. Rather, the plaintiff was a candidate desperately looking for ways to prevent the counting of votes. The tragedy here is that the majority not only ordered actual disenfranchisement as the remedy for potential disenfranchisement but actually used voting rights rhetoric to nullify the right to vote. If there was an equal protection violation in *Bush v. Gore*, it is found not in anything Florida did, but in the very relief that the court ordered.

Still, the decision was not out of character for the Rehnquist Court. Far from it. For at least a decade, the court has been promoting a deeply conservative and racialized ideology of electoral politics that finally collapsed into bare-knuckled Republican partisanship in *Bush v. Gore*.

The Rehnquist Court made clear in 1993 that it intended to read equal protection in politics through an ideological lens. Writing for the majority in *Shaw v. Reno*, Justice O'Connor launched the court on its path of striking down so-called "bizarrely drawn" majority-African American and majority-Hispanic congressional districts created by states under the Voting Rights Act. Like *Bush v. Gore*, the court's decision in *Shaw* relied on a stunning abandonment of all prior equal protection jurisprudence to define a very strange new right for a powerful social group—white people—facing nothing we might recognize as discrimination. In *Shaw* and its progeny, the court essentially articulated a presumptive new right under equal protection for white citizens to be part of racial majorities in federal, state, and local legislative districts.

This double standard, which masquerades as "color blindness," requires tremendous judicial interference with the political processes of the states to prevent the creation of aesthetically displeasing majority-minority districts. Like *Bush v. Gore*, the *Shaw* doctrine also betrays original understanding jurisprudence because it has been an article of faith with conservatives for decades that the intent of the 14th Amendment had nothing to do with districting practices, since the whole purpose of giving Congress enforcement powers under the 14th Amendment was to empower it to take remedial action against white supremacy.

In *Shaw*, the court discarded conventional modes of constitutional analysis in favor of a racially charged conservative political correctness. The white law professors at Duke, who brought the *Shaw* litigation after redistricting turned them into a racial minority in their House district, actually suffered no injury from the alleged wrong of "racial gerrymandering." They retained a perfect right to vote, to run for office, to campaign, and to raise money. They enjoyed all the same rights (and burdens) that African-Americans have as minorities in majority-white legislative districts.

Yet in *Shaw*, the court found that the plaintiffs stated an actionable claim by objecting to "redistricting leg-

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islation that is so extremely irregular on its face that it rationally can be viewed only as an effort to segregate the races for purposes of voting, without regard for traditional districting principles and without sufficiently compelling justification." A majority African-American district with an odd-looking perimeter "bears an uncomfortable resemblance to political apartheid," Justice O'Connor observed. In *Holder v. Hall*, Justice Thomas upped the ante and described the creation of majority African-American districts as "an enterprise of segregating the races into political homelands that amounts, in truth, to nothing short of 'political apartheid.'"

What is so amazing about this rhetoric is that "segregation" and "apartheid" in the hands of Rehnquist, Thomas, and the gang have nothing in common with society's understanding of these concepts. Indeed, the political "segregation" allegedly caused by majority-African American districts is the precise opposite of the forms of segregation condemned in *Brown v. Board of Education* in 1954. The separate-but-equal schools deemed unlawful in Brown were 100 percent white and 100 percent African-American. The districts targeted for destruction in *Shaw* were the most integrated districts in the history of North Carolina: The First District was 53.4 percent African-American, 45.5 percent white, and the Twelfth was 53.3 percent African-American and 45.2 percent white.

Moreover, since racial integration is the conservatives' overriding goal, it should have moved them that the existence of these districts meant that, for the first time since Reconstruction, there would be African Americans in the state's delegation to the U.S. House. The new majority-minority districts created in the wake of the 1990 census meant that the number of minorities in Congress increased by 18. Meanwhile, a majority—57 percent—of North Carolina's African-Americans continued to live in majority-white districts. And even after the creation of the two majority-African American districts to remedy a history of racial gerrymandering in the state, white majorities and white congressmen continued to hold 10 out of 12, or 83 percent, of the state's U.S. House seats even though whites only constituted 79 percent of the state's population.

Shaw has transplanted a most astounding racial double standard to the very heart of equal protection. Under the *Shaw* rule, whites have a presumptive right not to be part of majority African-American or Hispanic districts that have an odd shape, although African American and Hispanics have no such right against belonging to oddly shaped majority-white districts. The Constitution requires no standards of compactness, contiguity, geometric form, or aesthetically pleasing appearance in legislative districts. (Who has ever seen a square or triangular congressional district?) In general now, whenever legislatures deliberately create majority-minority districts to remedy past racial vote dilution, they violate the Constitution, but if they deliberately create majority-white districts to entrench white incumbents, they have done nothing wrong.

If there was an equal protection violation in *Bush v. Gore*, it is found in the very relief that the court ordered.

Unlike minority plaintiffs challenging the snob zoning of housing, suspicious road closings, racially uneven use of the death penalty, or police recruitment testing that disproportionately fails minorities, white plaintiffs in these cases of abstract symbolic harm do not have to show personal injury and do not have to show that there was any governmental purpose to discriminate against them.

Meantime, the court has cavalierly sent packing actually disenfranchised populations seeking its help. Everyone knows that the conservatives in *Bush v. Gore* stated there is no constitutional right for the people to vote for president beyond what the states are willing to bestow upon them. Less well-known is that, just two months prior to the court's decision in *Bush v. Gore*, the court dismissed an appeal in *Alexander v. Daley*, a voting-rights case brought by the District of Columbia Corporation Counsel and Covington and Burling on behalf of more than a half-million American citizens who live in the capital city and have no voting representation in the U.S. House or Senate.

The plaintiffs lost below in a 2-1 panel decision in the U.S. District Court, but won a splendid dissent by the senior judge on the panel, Louis Oberdorfer, who found that the denial of representation in Congress violated equal protection. While the Bush majority granted *certiorari* on George W. Bush's petition over the weekend and heard oral arguments 48 hours later, the same justices categorically refused to hear the arguments of

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Washingtonians, who have been waiting for a hearing on their disenfranchisement for 200 years.

Supreme Court Nominations

After *Bush v. Gore*, there is no use in anyone pretending the selection of judges is not a political event, indeed a partisan one, or that it has ever been anything else. Supreme Court justices have been political actors from the beginning. The first chief justice, John Jay, actually ran for governor twice in New York while he was on the bench, winning the second time and resigning from the court. No one should have been shocked at news reports at the time *Bush v. Gore* was argued that Justice Scalia's son was working as a lawyer for the Republicans' law firm, or that Justice Clarence Thomas' wife was collecting résumés for the prospective Bush administration.

Consequently, Democrats must assert the co-equal role of the Senate to advise and consent. The democratic genius of a system of separated powers is that when one branch is clogged and hostile to the claims of significant parts of the population, access and redress are ordinarily available in another branch. For this reason, the Senate must give no presumptive weight to the Bush administration's judicial selections. Senators as a group represent a fuller picture of national political opinion than a president, certainly this one. Whereas a president constructs an electoral college majority out of victories in certain states, senators represent majorities (or pluralities) of voters in every single state. Moreover, because of their staggered elections, senators provide a kind of temporally extended representation of the people's will rather than the president's expression of part of the nation's mood on a single day once every four years.

All of which is to say, when President George W. Bush begins to fill the 63 vacancies in the federal judiciary in 2001 and floats names for Supreme Court justices, he should remember the political context of his victory. Although he eked out a dubious four-vote majority in the electoral college after eking out a dubious one-vote majority on the Supreme Court, he lost the national election by more than a half-million votes. Historically, presidents who achieved office without being truly elected—Bush almost certainly falls into this category—have seen more than 50 percent of their Supreme Court nominees rejected.

If President Bush has no mandate to pack the courts with more zealots, Senate Democrats do have a strong mandate to stop the court's slide from untenable conservative ideology to blatant Republican partisanship. The Democrats must not conduct business as usual, the kind they gave us with the unanimous 1986 confirmation of Antonin Scalia. If Democrats take the path of least resistance and confirm right-wing corporate lawyers and platitude-spouting bureaucrats like Clarence Thomas promoting the Federalist Society agenda, there will be hell to pay for the Bill of Rights and public welfare generally. Indeed, it has been the Democrats' wimpiness in challenging Republican judicial nominees that helped to create the five justice *Bush* majority.

But, most importantly, the project of constitutional politics cannot be reserved for Supreme Court nominations. Every district court judge has tremendous power over people's lives and the Democrats should take federal appeals court nominations as seriously as they do Supreme Court nominations. The specific assault on political liberty and electoral democracy follows logically from a society-wide crackdown on civil rights and liberties. From Zero Tolerance in the high schools to the War on Drugs to shrinking privacy to racial profiling, we need a movement to restore the meaning of our Bill of Rights in the institutions of society. It is time for the people to take the Constitution back from the court. ●

FOLLOW IN FAMOUS FOOTSTEPS...

The Monthly is seeking applicants for Summer internships. These unpaid internships [illegible] aspects of magazine production, including business, writing, editing, and design. Past interns [illegible] grow on to careers at *The New York Times, The Wall Street Journal, The Boston Globe, The New York Observer, The Los Angeles Times, The Washington Post, U.S. News & World Report, Newsweek, Time, The New Republic, Slate, Brill's Content*, the State Department, the Department of Justice, and the White House. Applicants should send a cover letter, résumé, and writing samples to: **Tara Mansbridge, Publisher, *The Washington Monthly*, 1611 Connecticut Ave., NW, Washington, D.C. 20009, fax 202/332-8413**, or e-mail to **tara@washingtonmonthly.com.**

...INTERN AT THE MONTHLY

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Test Prep

What Bush can learn from a tryout of school reform in Massachusetts

By Georgia N. Alexakis

It's 9 a.m. on a hot and humid July morning in Revere, Mass., a blue-collar city six miles north of Boston, and Joe Ciccarello, a math teacher at Revere High School, is winding down the ninth-grade algebra class he started teaching 90 minutes ago.

The topic of the day: adding and subtracting positive and negative integers—a basic concept in high-school math but one with which many of his students have been struggling. As he hands out the next day's assignment, a chorus of complaints arises from students predictably unhappy about spending six weeks of their summer reporting to an un-air-conditioned classroom.

"Why do we have to know this stuff anyway?" whines one student from the back of the room.

The question hangs in the air as Ciccarello, 32, moves to the blackboard, quickly drawing a graph. "You see this?" he asks, pointing to the x-axis. "This represents your income. And the y-axis represents your high school diploma. Down here, you have no high school diploma and no earnings. Up here, with a high school diploma, you have a good-paying job."

"So why do you have to know this stuff?" he asks, as the bell ending the period rings through the hallways. "So you can pass the MCAS, so you can get your high school diploma."

Ciccarello's answer is deceptively simple for a school district as complex as Revere's, a community whose teachers and parents aspire to send every child to college, but whose classrooms are filled with students who qualify for free lunches or whose parents speak limited English. And yet his answer is no simpler than the basic message behind the Massachusetts Comprehensive Assessment System (MCAS), a state-mandated exam that starting this school year all 10th graders in public schools must pass before they can graduate in 2003: Study hard, pass the test, earn a high school degree.

The rules and rewards are the same for the nearly 980,000 public school students in Massachusetts, regardless of the school they attend, the kind of community they live in, or the type of home they return to after a day in the classroom. It is a system that places equal expectations on students coming from unequal backgrounds. Which makes Revere's acceptance—and even endorsement of the MCAS—all the more surprising.

In 1993, when the Massachusetts state legislature passed a bill calling for the creation of the MCAS, lawmakers and educators expected the loudest outcry to come from districts like Revere and other urban areas with historically underperforming schools. Those districts were expected to post the test's highest failure rates and to produce the highest number of high school dropouts.

Some of these predictions have borne out. In 2000, 51 percent of Revere's students failed the math portion of the test and 33 percent failed the English portion. Nonetheless, Revere accepted the MCAS early on and teachers like Ciccarello told students that the test was here to stay. The best thing they could do was prepare for it.

Since then, Revere's attitude has shifted from grudging acceptance to a full endorsement of the MCAS and the standards-based movement. Rather than hide behind excuses built around the socioeconomic status of the students they serve, the district has embraced the test, altering school curriculum to match the content of the test and organizing test-prep workshops in an almost maniacal fashion—after-school, on the weekends, and

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during the summer. In a district tired of wearing the "underperforming" label, teachers and administrators have seized upon the test as their ticket to higher expectations, tougher standards, and better results.

Revere is not alone. In fact, as the MCAS becomes a fixture in the state's educational agenda, a paradox has emerged: The schools most likely to do poorly on the MCAS have also been most likely to embrace it, while those districts whose scores are already quite high are fighting hardest to get rid of it. The latter schools—mostly white, primarily suburban, and always affluent—are leading the charge against the test, arguing that it diverts important resources and time from more advanced learning.

The white, affluent communities' opposition to the MCAS has been as unexpected as the poor schools' acceptance of it. The test, it seems, has reignited a century-old debate between proponents of "progressive" education, which champions intellectual freedom as the cornerstone of democratic society, and those who believe that curriculum should be standardized and students drilled on its content to ensure a basic level of skill.

Underlying the pedagogical debate, though, are deep class divisions that always seem to sabotage attempts to improve poor schools without hurting the rich ones. The MCAS has hit a nerve, in part, because its content is radically egalitarian. It evaluates all students on what they know and how well they think, not on how many Volvos populate their school parking lot or how many test-taking gimmicks they can acquire in pricey Kaplan prep classes, which are of little help on the open-ended MCAS questions.

Deeply offended at being lumped in with poor schools in taking the test—and secretly frightened that the test may expose some deficiencies in their schools and their students—affluent communities have mounted a concerted challenge to the MCAS. Their opposition threatens to stop the gains made in places like Revere dead in their tracks.

The Commonwealth isn't the first in the nation to use a "high-stakes" test. Nearly 30 states currently use some version of it, as legislators and state-level bureaucrats across the country have come to view standards and accountability as a last-ditch attempt to save the public school system. But people in Washington are watching Massachusetts closely as its debate over standardized testing unfolds, in part because many see Massachusetts as a model reform effort, and its opponents are among the nation's most sophisticated. Whereas the battle over standardized testing in other states has been conducted primarily at a grassroots level, led by concerned parents and teachers, the battle over the MCAS has attracted some of the biggest names in education reform today.

The quality of the reform effort and the presence an all-star cast of activists on both sides have made Massachusetts a warm-up ground for the battle that may soon take place in Washington. President George W. Bush has made annual school testing the centerpiece of his education reform effort, which would give the federal government a far greater role in setting standards for local school districts and require more standardized curriculum.

Massachusetts' experience shows how much poor urban schools can benefit from this kind of reform, but it also demonstrates that the sanctity of local control of education is deeply rooted in American culture—at least in places where the parents are rich and educated enough to exercise it. If the Bay State's travails are any indication, attempts by the federal government to take on that privileged culture in the interest of poor, minority kids will be an uphill battle.

SCAMers

It's in places like Lincoln-Sudbury High School where the anti-MCAS movement has gathered most of its momentum. Never mind the fact that this tiny suburban district—with just under 1,200 students in its high school and one of the highest per-capita incomes in the state—was the 10th-highest scoring district after the 1999 MCAS scores were tallied. It's the kind of school where students routinely overshoot the required number of science or history classes, where seniors worry not whether they will get into an Ivy League college but whether they will get into the right one.

Its strong academic performance is all the more reason for the anti-MCAS activism, says Jim Newton, a teacher in the Lincoln-Sudbury history department for the last 33 years. "Around here, there are people who know how to make the system work—they know how to make a racket," Newton says. "Most of our kids will pass the damned MCAS test, so no one can accuse us of not wanting to take the test because our teachers can't do their job."

The petitions, the public forums, the protests, and the appeals to local legislators are no different at Lincoln-Sudbury High School than the anti-MCAS action being taken at other high-performing districts across the state. Rather than rest on their laurels, parents, teachers, and school administrators in districts like Concord, Brookline, and Lexington have banded together to form the Coalition for Authentic Reform in Education (CARE).

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For the most part, these districts have stubbornly refused to align their courses to the state-approved "frameworks" guidelines in English, math, history and science, approved by the board of education as blueprints for what every Bay State child should know by the time she finishes the 10th grade.

"Why do we need the test?" asks Gary Burton, the school superintendent in Wayland, Mass., a suburb neighboring Lincoln. "I would say that teaching kids how to take the MCAS is distracting us from our real educational mission."

Matthew King, the school superintendent in Wellesley, Mass., agrees, saying that high-performing districts such as Wellsley shouldn't have to sacrifice instructional time to prepare students for the 17-hour exam, let alone make time for them to take it. "If the urban schools like it, let them have it" King says. "But from our perspective, it's too long and it's not worth the time. We're already teaching well beyond the MCAS level."

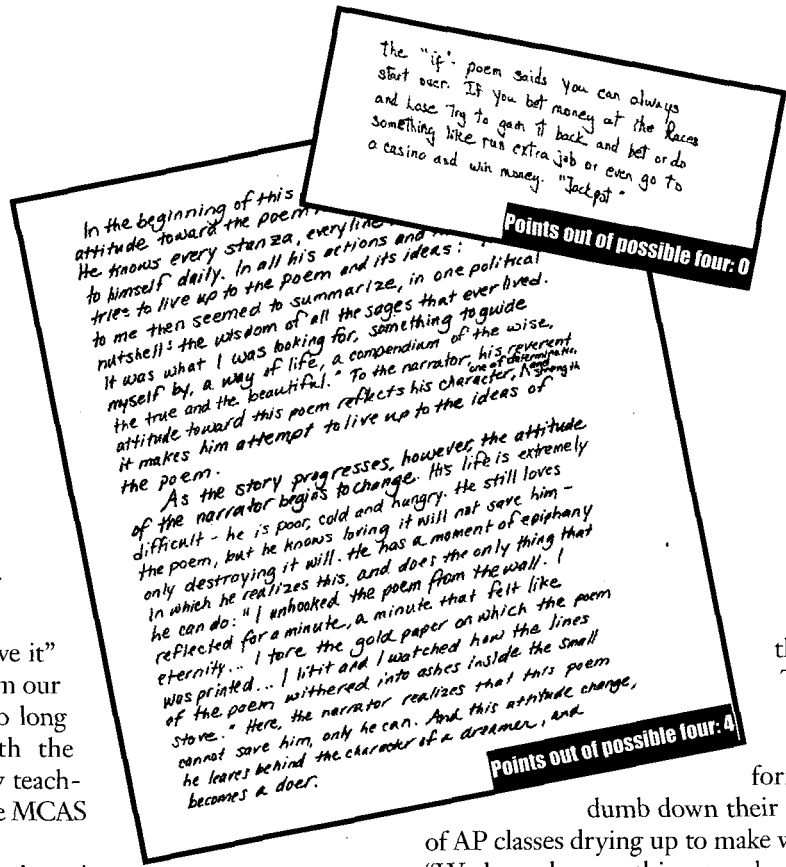
Massachusetts' anti-MCAS coalition has mounted an offensive against the test and the state's Republican-appointed board of education. This past November, the Massachusetts Association of School Committees adopted an anti-MCAS resolution at its annual statewide meeting. On any given weekend this past summer and fall, CARE activists could be found gathering signatures for their anti-MCAS petition in suburban Brookline's Coolidge Corner.

An email discussion group started by CARE serves as a network for educators from all corners of the state. In 1999, students involved with SCAM (the Student Coalition for Alternatives to MCAS) organized a boycott against the exam. In scattered sites across the state, more than 500 students simply walked out of the classroom when the test was distributed.

"This is a real issue to us," says Will Greene, a high school junior from Great Barrington High School who founded SCAM last year. "Everyone thinks we're a bunch of whiny, suburban kids, but most kids who are involved feel very strongly that it is unfair to reduce our high school education to one standardized test."

Sample Question from the 2000 MCAS

English Literature and Language Open Resource Question 28: Explain the author's attitude throughout this essay toward the poem "If." Use specific evidence from the essay to support your answer.


The "If" poem saids you can always start over. If you bet money at the Races and lose try to gain it back and bet or do something like run extra job or even go to a casino and win money. "Jackpot"

Points out of possible four: 0

In the beginning of this attitude toward the poem [illegible] He knows every stanza, everyline [illegible] to himself daily. In all his actions and [illegible] tries to live up to the poem and its ideas: to me then seemed to summarize, in one political nutshell: the wisdom of all the sages that ever lived. It was what I was looking for, something to guide myself by, a way of life, a compendium of the wise, the true and the beautiful." To the narrator, his reverent attitude toward this poem reflects his character, [illegible] one of determination, [illegible] strength it makes him attempt to live up to the ideas of the poem.

As the story progresses, however, the attitude of the narrator begins to change. His life is extremely difficult - he is poor, cold and hungry. He still loves the poem, but he knows loving it will not save him - only destroying it will. He has a moment of epiphany in which he realizes this, and does the only thing that he can do: "I unhooked the poem from the wall. I reflected for a minute, a minute that felt like eternity... I tore the gold paper on which the poem was printed... I lit it and I watched how the lines of the poem withered into ashes inside the small stove." Here, the narrator realizes that this poem cannot save him, only he can. And this attitude change, he leaves behind the character of a dreamer, and becomes a doer.

Points out of possible four: 4

Postmodern Parents

Yet for all the noise these activists have made about the MCAS, when pressed to show some evidence that suburban students are really suffering, they come up empty. There's no evidence that the MCAS is forcing high-performing schools to dumb down their curriculum, no signs of AP classes drying up to make way for rote test prep. "We have done nothing to adapt our curriculum to the [state-recommended] frameworks" Newton concedes.

Ditto for Lexington High School. "I don't think the MCAS has turned us on our heads. We've got a pretty full curriculum and our standards are great. We had to realign some of our classes, to make sure that students were covering the necessary material before they took the test, but we're not going to eliminate any classes. We're already in relatively good shape" says Philip Lanoue, Lexington's principal.

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In effect, the only tangible net cost of the MCAS to these districts has been about three days of class time. Given the minimal impact the test has had on their schools, it's hard to see why people who are often fanatical about the SATs are so apoplectic about the MCAS.

Their outrage might be understandable if the MCAS were one of those fill-in-the-dots multiple choice tests used elsewhere in the nation, which are justifiably seen as a way of beating down innovative

Who's Who

By Susan Threadgill

What will life outside the White House be like for **Bill Clinton**'s former staffers, the **John Podesta**s, the **Gene Sperling**s, and the **Bruce Reed**s? A hint is supplied by **Tony Snow**, who remembers that during his last year as a speech writer for **George Bush** the elder, he received more than 400 Christmas cards. The following year, he received 25.

If there is, as some internal observers suspect, already a bureaucratic struggle over control of national security policies between Secretary of State **Colin Powell** on one side, and Vice President **Dick Cheney** on the other, the first two rounds go to Cheney. Powell wanted **Tom Ridge** for Secretary of Defense, Cheney preferred **Donald Rumsfeld**. Powell favored **Richard Armitage** for Deputy Secretary of Defense. Cheney wanted **Paul Wolfowitz**. President George W. Bush, of course, picked Rumsfeld and Wolfowitz.

In March 1979, **Norman Mineta**, the new Secretary of Transportation, was a member of Congress, the first Japanese-American ever elected from the continental United States, so he seemed like a natural for the guest list when **Jimmy Carter**'s White House held a state dinner for the Japanese prime minister. But he wasn't invited. Why? The White House staff thought he was Italian.

Liberals already worried about conservative domination of the federal judiciary had their anxieties exacerbated by two recent reports. One, by **Paul Bedard** of *U.S. News and World Report*, says that the Bush team considers **John Ashcroft** to be the top choice to replace U.S. Supreme Court Chief Justice **William Rehnquist**. The other, by *USA Today*'s **Joan Biskupic**, says **Lee Liberman Otis**, a protégé of **Antonin Scalia** and a founder of the right-wing Federalist Society, perhaps best known for its dedicated effort to destroy Bill Clinton, "is taking a leading role in the judicial selection process" for the new administration.

It has long been rumored that the big shots at our major dailies treasure their weekends and thus tend to leave the second team in charge of putting the final touches on the Sunday paper. The result has been that sometimes the Sunday news sections, in particular, don't reflect the best editorial decisions. This may be why, even though their staff had most of Saturday to contemplate Bill Clinton's pardon list, neither *The New York Times* nor *The Washington Post* deemed **Marc Rich** significant enough to include in the half-dozen photographs each ran with its account of the president's indulgences. This omission prompted a Sunday phone call to this office by a member of our staff saying, "The *Post* and the *Times* really blew it. They didn't realize that Marc Rich was the big pardon story." Similar calls must have been made to the *Times* and *Post*. On Monday, they had the Marc Rich story on the front page.

Democratic lobbyists were busy making peace with Republicans during the festivities of the Inaugural weekend. Conspicuous among the partygoers were **Jack Valenti** and **Vernon** and **Ann Jordan**. Among the party-givers was long-time Democratic lawyer-lobbyist (and Cokie Roberts' brother) **Tommy Boggs**, whose 1,000-guest shindig honored lawyers **Ted Olson** and **Ben Ginsberg**, who had played major roles in persuading the courts that George W. Bush should be president.

The Bush transition teams were laden with business types. Eighteen of the 38 people advising the Interior Department, 17 of the 48 advising Energy, and 14

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teaching. But English and math portions of the MCAS—with their emphasis on short-answer and open-ended questions—are consistently praised as the best example of a standardized test that actually assesses critical thinking skills rather than rewards rote memorization. And they're hard to cheat on, unlike tests in Louisiana and elsewhere. So if teachers are drilling kids for the test or doing other forms of the often maligned "test-prep," they're simply teaching the high school curriculum, not test-taking gimmicks.

of the 31 advising Agriculture are either lobbyists or corporate executives, according to the Environmental Working Group, a nonpartisan research organization. The Interior team, for example, includes **Henson Moore**, chairman of the American Forest & Paper Association, and Association lobbyist **Steven Quarles**, according to *The Washington Post*'s **John Mintz**.

Illustration by R. Gemm

The credibility of **George W. Bush**'s self-portrait as a "uniter not a divider" has not been heightened by his appointment to the White House staff of not one, not two, but three former aides to Rep. **Dick Armey**, whose virtues have never been thought to include a gift for conciliation.

A fox who is not just advising but is himself in the chicken coop is **Mitchell E. Daniels**, the new head of the Office of Management and Budget, where one of his major responsibilities will be monitoring the administration's prescription drug plan and Medicare overhaul. For the last 13 years, he has been corporate vice-president at **Eli Lilly**.

Robert Kennedy Jr., who heads an environmental group, had a tough time on ABC's *This Week*. When he attacked Interior Secretary **Gale Norton**'s defense of Colorado's self-auditing laws (which encourage companies to report pollution problems without fear of prosecution), Colorado governor **Bill Owens** replied: "Democratic Governor **Roy Romer** signed that law. Current U.S. Congresswoman **Diana DeGette** of Denver, a Democratic environmentalist, authored that law. Thirty states have self-audit laws. [Then Colorado Attorney General Norton] was defending that law in court, which, if she thinks the law is constitutional, is her duty. For Robert Kennedy to attack the self-audit law is to attack Diana DeGette and Roy Romer, not Gale Norton."

Another potential turf battle could come in the White House where **Karen Hughes** may find herself defending her advice on media relations against such savvy Washington insiders as **Mary Matalin** and **Margaret Tutwiler**. Matalin is the better known of the two but some veteran Washingtonians think Tutwiler was the schmoozer behind **James Baker**'s mastery of the press as White House Chief of Staff and as Secretary of the Treasury and of State.

The suspicion expressed in these pages (see January/February's "Tilting at Windmills") that Judge **Charles Burton**, despite his judicial demeanor, was actually dragging his feet for George W. Bush during the crucial Palm Beach recount has been confirmed in a long series on the Florida elections aftermath by *The Washington Post*'s **David von Drehle**, **Ellen Nakashima**, **Susan Schmidt** and **Ceci Connolly**, which points out that Burton was a **Jeb Bush** appointee whose future prospects would be enhanced by the governor's continued regard.

Fifteen years ago, **Steven Waldman** wrote a memorable article in this magazine crowning **Norman Ornstein** as the king of quotes. The most recent contender for Ornstein's title, according to *The Washington Post*'s **Howard Kurtz**, is **Marshall Wittman**. Wittman's explanation for his sudden ubiquity: "I probably have an unusual market niche as a Texan who is an ex-Trotskyite, former Christian Coalition McCainiac. I'm like the Zelig of punditry."

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Some of the reasons behind the suburban resistance to the MCAS, it seems, are ideological. It's a bit of postmodernism mixed in with upper-class snobbery—the notion that our kids are special, and therefore don't need the standardized tests given to the masses, combined with the idea that there is no such thing as one right answer or one definition of "well-educated." The state-imposed MCAS is also colliding with the deeply held American belief in local control over public education.

This viewpoint has been best articulated by Deborah Meier, founder of New York's Central Park East schools and Roxbury's Mission Hill Pilot School, and one of the MCAS staunchest opponents. In a new book on the MCAS, called *Will Standards Save Public Education?* Meier argues that schools should be solely under local control, with standards established by the teachers and parents who know the children best. Anything less would create what Meier calls "competently acquiescent" students, uninspired and mind-numbingly uniform.

The debate over the MCAS goes beyond the larger policy issues, though. Many of the parents fighting the test are liberals who believe that public education is something noble. But like most parents, they're not willing to sacrifice their kids for their political beliefs. As a compromise, they work hard and spend a lot of money to live in upscale neighborhoods where they believe the public schools rival private ones. Good schools, in fact, are often their *raison d'être* for living in these pricey neighborhoods. These parents fear that the MCAS and the frameworks curriculum will compromise their local schools by shifting the focus away from college prep courses to those catering to the lowest common denominator.

But two years into Massachusetts' experiment, there's no sign that the MCAS is making a wreck of elite suburban schools. And that's the point of having a good test. If done right, standardized testing can ensure a base level of knowledge while still allowing schools to pursue advanced courses and innovative teaching.

Consequently, suburban opposition to the test may stem from a very different motive: Fear of failing. Just as swanky prep schools like Groton and Exeter won't make their academic data public, upper-class public school parents fear the MCAS will expose the underachievers in their ranks, whose success may have more to do with their families' socioeconomic status than their intellectual prowess. And the schools themselves may prove somewhat suspect.

Diane Ravitch, a research professor at New York University and an assistant secretary of education in the first Bush administration, says she has seen evidence of all these issues coming into play when suburban constituencies talk about standardized tests. "They live in suburban districts where they believe their schools are superb. They really believe that if tested, 100 percent of their children would do well," she says. "Then they get the test scores back, and they respond by saying that they don't want their children tested. From a financial perspective, it's embarrassing. They can no longer justify living in the neighborhoods they live in."

In fact, the 1998 MCAS scores must have come as something of a shock to some of those very schools now leading the charge to get rid of it. In Lincoln-Sudbury, for instance, where houses run $900,000 to $1 million, fully one-quarter of the 10th graders taking the test flunked the math portion. Another 26 percent scored "needs improvement." Twelve percent flunked the English portion and 29 percent needed improvement. The scores from last year aren't much better. (School administrators say their low scores are partially a result of the number of high-achieving students who chose to boycott the 2000 test.)

Still, those aren't the kind of results you'd expect from a school whose faculty claims the MCAS is distracting them from higher learning. In fact, the MCAS seems to be exposing some weaknesses in all the public schools, not just poor ones. But affluent parents would be loath to argue publicly that they don't like the test because their kids are flunking it. Consequently, the activists have adopted a more legitimate and emotionally charged argument: That the MCAS hurts minority students.

High-Stakes High

At public forums, as proof of the MCA's dangers, suburban parents point to schools like Boston's Madison Vocational Tech, a vocational school serving a predominantly black population. In large numbers, they say, Madison's students will surely fail the MCAS, and without a high school diploma, also fail to secure a job.

Yet Ravitch says that when raised by white, affluent parents, these arguments come off as rather disingenuous. "I was speaking before a group who billed themselves as being committed to social justice and the advancement of minority groups," she recounts. "Then, during the Q&A session, one woman got up and started talking about her child and how she has to spend so much time preparing for the test. Suddenly, all the minority children faded away and it became all about her child."

Still, the minority-student issue is a serious one, and it is the strongest liberal argument against mandatory

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testing. As a result, the suburban activists have found a few allies on that front. In nearly every state that has attempted to implement serious standards-based school reform, minority groups have argued that black and Hispanic students will suffer disproportionately because of their historic underperformance on standardized tests.

Civil rights groups in Massachusetts point to recently released dropout rates for the state—which show slight increases in the number of Hispanic, black and Asian-American students dropping out between the 1997-1998 and 1998-1999 school years—as proof that the MCAS is pushing minority students to drop out of school when faced with the strong possibility of failing the test. Gary Orfield, a professor at Harvard's Graduate School of Education and co-director of its Civil Rights Project, predicts that three-fourths of black and Latino students may fail the MCAS this year if current trends continue.

"I think the test is set at the wrong level and the cut-point is very inappropriate," Orfield explains. "It will produce severe demoralization and very negative images for exactly the schools that need the most help. The results should be used to trigger interventions, not flunk the kids in the worst schools."

The state has made some adjustments after considering these issues, however. Students will now have five chances to pass the test before finishing 12th grade, and the state is providing resources for summer school and additional support for struggling students. Experience in places like Texas has shown that these types of measures significantly reduce the numbers of students left without a diploma. Critics also overlook the economic benefits of a new system in which a high school diploma actually means its holders can read and write at an acceptable level--which it doesn't now.

While suburban activists continue to raise the minority student issue in opposing the test, the majority of the state's urban school districts have not joined them, and for some very good reasons. Thomas Payzant, superintendent of the Boston school district, where 85 percent of the students are minorities, says he does not doubt that his district will be among those hit hardest by the MCAS come 2003. But he also knows that protesting the MCAS on the basis of his district's demographics sends his students a dreadful message.

"Young people in urban school districts have the most to lose with this test because many have not had the support along the way they need to be successful," Payzant says. "But to back away from the test sets a double standard. It conveys the belief that urban kids somehow are incapable of meeting the standard."

There's another reason that the urban districts have supported the MCAS: It's making their schools better.

Like so many other high-stakes tests being used across the country today, the MCAS is a creature of the political system. State legislators needed to provide poor and underperforming school districts with more funding, but business leaders and taxpayers were tired of throwing money at bad schools. Developing the MCAS was a way to attach expectations to the money, a tradeoff akin to welfare reform, where conservatives became more amenable to spending money on welfare recipients after a work requirement was put in place.

The MCAS was also the legislature's response to a class-action lawsuit first filed in 1978 over inequities in the state's financing of education. In 1993, the state supreme court ruled that Massachusetts had violated its constitution by under-financing public schools in poor communities. Less than a week later, the state legislature responded with an education reform bill that featured a new formula for calculating the amount of aid for which school districts qualified. After years of fighting, urban districts were about to enjoy a windfall.

Seven years later, when the Department of Revenue began auditing the 35 school districts that had received the greatest amount of aid, they found that the money had been put to good use. Most districts hired more teachers to reduce their class sizes. In Boston, the district developed remedial reading and math programs aimed at at-risk students in grades three, six, and nine to help them before they face the MCAS. Computers have been bought, libraries have been renovated, textbooks have been updated. And while the average per-pupil expenditures in these districts still barely meet the state average, urban school superintendents say the funding has been a blessing.

"It was part of the original trade legislators made with educators," says Paul Reville, a member of the board of education when the 1993 act was adopted and co-founder of the Massachusetts Business Alliance for Education. "In exchange for accountability, we'll spend more money on education reform."

This additional funding—more than anything else—has continued to fuel the suburban-urban divide over the MCAS. In the town of Harvard, 20 miles from the university and home of the highest average MCAS scores in the state, Mihran Keoseian, principal of Bromfield High School, says his already-affluent dis-

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trict has seen little by way of additional funding.

"I'm a little resentful, especially when you look at the dollar amount that is being fed into those substantially weaker districts," he says. "Those are the systems they're going after, those districts that gave out empty diplomas. But now we all have to march in lockstep because of a few, woefully underperforming districts."

Don't expect to hear apologies from school officials in Everett, a working-class city that has reaped the benefits of increased state aid. In a district where more than 40 percent of its 5,600 schoolchildren qualify for free or reduced lunches, "only" 55 percent of its 10th graders failed the math portion of the 2000 exam. More than 60 percent passed the English part of the exam. As one of the 25 most disadvantaged communities in the state, Everett was expected to see a much higher failure rate on both sections of the test.

"We've done away with basic-level math courses. We're pushing kids into algebra and geometry at an earlier age," explains Everett's associate superintendent, Richard Wallace. "Now by the time students graduate our high school, 100 percent will have completed an algebra sequence."

With more than $13 million in funding now coming from the state, Everett has extended its school year, doubled its teaching force, reduced class size, and given its teachers, on average, a five percent raise every year over the last seven years. Thousands of dollars have gone toward staff development, and a brand-new high school is in the works.

"I'm sure the suburban communities feel that they have been cheated by education reform," says Peter Dolan, Everett's assistant superintendent. "But the urban communities, the Everetts of the Commonwealth, have a whole different set of problems to deal with than the Harvards of Massachusetts. And that was the intent of ed reform—to level the playing field."

Marching to Washington

The MCAS, and the reforms that have come with it, may be the best thing to happen to poor students in a generation in terms of improving the quality of their education. Without the test, the state is unlikely to find continued support for sending additional funding to poor school districts. Further, as economists Julian Betts and Robert Costrell argue, by ridding the state of the MCAS, these affluent activists are all but dooming urban districts to continue to award students meaningless diplomas.

They write in a paper soon to be published by the Brookings Institution: "This may seem to be a convenient arrangement for those schools that graduate mostly high-achievers, while waving through their lagging students with a wink and a nod. But it is no longer a credible option for those schools in disadvantaged districts whose graduates are known to often lack basic skills."

Despite their professed concern for minority students, the MCAS opponents don't seem to have factored these issues into to their strategy. With the 2001 tests just days away, they are bracing themselves for what they predict will be a busy and tumultuous year of boycotts and protests. They hope that by 2003, enough lawsuits will be filed against the state by parents whose children would not be receiving high school diplomas that the board of education will be forced to back down from using MCAS scores as a graduation requirement.

"The people who are involved in this are not naive—they don't think this is a case of a simple misunderstanding," says Karen Hartke, a project coordinator at the Cambridge-based FairTest, a testing reform advocacy organization. "Change is not going to happen through polite conversations with the board of education. This is going to be a political battle as much as it is going to be a pedagogical battle."

But any backing away from the MCAS is unlikely, says James Peyser, chairman of the Massachusetts board of education. "We're not flexible on this issue," Peyser says. "I think it would be best if educators devoted more energy to teaching their students and less on working the political system."

It's likely, though, that the debate over standardized testing will only intensify as it moves to Washington this spring. Massachusetts' experience with the perilous waters of standards-based school reform holds several lessons for the new president, who plans to wade into the fray. It's clear that any mandatory testing plan that would dumb-down good schools will doom Bush's plan from the get-go, given the intensity of the opposition from upper-middle class voters. It's also clear that mandatory testing can only be one part of education reform. Massachusetts has shown that testing only works when it is matched with significant resources designed to help the worst schools measure up.

And if Massachusetts is any indication, Bush may find that the fate of his education plan rests with his ability to call on liberals to find their better selves and to accept change that promises to vastly benefit their less advantaged counterparts, at little cost to those already succeeding. In the end, everyone's schools might be better off. ●

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Tidbits & Outrages

Green eggs and pork.

Last year Congress approved $550,000 for a museum about Dr. Seuss.

Illustration by R. Genn

The post-administration job hunt begins.

A U.N. commercial features former U.S. Secretary of State Madeleine Albright lip-syncing a Motown classic while dancing in a grocery store.

Polls are Rising

Romania's National Liberal Party is hoping to attract more youthful voters by giving away free condoms imprinted with the party's slogan: "Strong as iron, as quick as an arrow."

He couldn't find a virgin to sacrifice.

Both times before being sworn into the Senate, John Ashcroft anointed himself with Crisco oil.

Working Stiff.

Bosses of a publishing firm are trying to discover why one of their employees sat dead at his desk for five days before anyone noticed.

Looking for a few bad men.

The Metropolitan Police of London recently expanded their recruiting efforts by allowing people with criminal records to apply.

Contributions provided by Doug Hecox

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We founded The Washington Monthly *32 years ago to help explain our system of government and politics, why it breaks down, where it breaks down, and what can be done to make it work. We've done our best since then to live up to that goal, and also to push others to do the same. Government affects our everyday lives, from whether the mail is delivered on time to whether we fire nuclear warheads at enemies across the world. It deserves the most thorough, honest, and entertaining reporting possible.*

In this issue, we've gathered 13 of our contributing writers, almost all of whom once worked as editors of this magazine, and asked them to write short pieces about how the press covers government and how that coverage can be improved. We hope you enjoy it. —*The Editors*

Reassigning Tim Russert

Getting Washington reporters to cover the things that count

JONATHAN ROWE

THOSE WHO OFFER SUGGESTIONS TO THE WASHINGTON media need not worry that their advice will be taken. The mental grooves here are worn too deep, and self-importance serves to set them in concrete. The only cause for hope is that time still passes. In journalism, as in physics, bad ideas generally don't concede; they succumb to a new generation. As the current Washington guard inches towards its golden years, there is at least a possibility that something new will push through the concrete. We might be wary of high tech "cures" for aging. Do we really want another 200 years of John MacLaughlin and George Will?

So for the record, as it were, here are nine suggestions the media will ignore.

1. Tell the Story, Not the Script

The script is what the players want you to tell. The story is what happened. The Washington media, in their dogged obedience, almost always follow the first.

Take a congressional hearing. The next day's story in *The Washington Post* will be a Big-Shot-Says story, guaranteed. Expert said "Blah" at the hearing. Colonel said "Boo." That's the script.

JONATHAN ROWE *is a contributing editor of* The Washington Monthly.

The story is why the committee held a hearing on this subject in the first place. Who chose the witness list? Who was left out? Who was relegated to the final time slots when reporters have packed up their notebooks and the klieg lights have gone off? Which committee members showed up, and why? (At a congressional hearing, what doesn't get said often is more important than what does.)

2. Mention the Money

Money is the single biggest factor here, the polar field through which most issues must pass. Yet the media rarely mention it. Money ends up in a cognitive ghetto, disconnected from the daily flow of events, discussed only in a few isolated stories about political contributions. Out of sight, out of mind. The implicit message: "It matters but it really doesn't."

Why not note the fact of money routinely? Why not say, in every story, something like this: "Senator Slick, who received $500,000 from the oil industry last year, today called for oil drilling in the Alaska Wildlife Refuge." This is not cynicism; it is reality, which the Washington media are supposed to report. Sunlight does not sanitize by itself. Repetition is necessary.

3. Stop Those Dumb Quotes

The news pages in Washington have become increasingly like the sports pages in that they are full of inane and say-nothing quotes. The locker room classics—e.g,

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"We didn't show enough intensity out there tonight"—have their counterparts in ritualistic quotes from the Washington players. Recently, in a story on the Senate Judiciary Committee's vote to approve John Ashcroft as attorney general, *The New York Times* quotes President Bush as saying, "I just hope there are no further delays." And all this time I thought the president wanted more delay.

Such quotes pad out stories and produce the vacant, numbed-out quality that pervades the Washington beat. Reporters need to set a higher bar. If they quoted only statements that are genuinely insightful or revealing, the news would be better—and Washington would be too.

4. Authority Is Not Reality

The proliferation of ritual and say-nothing quotes is a symptom of something more basic in Washington reporting—authority journalism. The reporter does not seek to find out what is, but what some big shot says. One might call it the Bob Woodward Syndrome.

Authority journalism has spawned the Big-Shot-Says story, in which the mere opening of the mouth becomes front page news. It also has spawned the ritual of the dueling authorities, in which the reporter quotes one, quotes another on the opposite side, and then calls it a day with no effort to determine the merits of the respective arguments.

The question is not what authorities say. Authorities can be wrong. They can work from outdated assumptions and ignore inconvenient questions. Economics in particular serves as a tendentious set of assumptions disguised as objective science. As authorities, economists are about as dependable as psychologists—you can find one who will say just about anything. That is one reason reporters rely on them so much.

Reporters need to get past the "economist says" mode. Among other things this would help free them from the sneering contempt for new ideas which has become a leading trait of the big-shot media. New thinking rarely comes from experts.

And a note to the business page reporters. Those "Wall Street analysts" you rely on so much are not dispassionate observers. They work for investment houses that have positions in stocks and bonds. They spin the economy the way the flacks for the Republican and Democratic leaderships spin Congress. So please stop quoting them as authorities. They are players.

5. Vet that Study

A form of authority journalism that is particularly sneaky and insidious is the "study." Practically every day brings a "Study Says … " headline, and often several. Study says efforts to combat global warming will ruin the economy. Study says poverty is on the increase, and on and on.

Such studies are reported as papal authority. Expertise has spoken. Yet expertise is not infallible, and often it is on the take. I once asked a technician at the Congressional Budget Office what he did on the job. "I tinker with assumptions until the boss gets the answer he wants," he said. The study-meisters at most Washington trade groups and opinion tanks would admit the same, if honest. You think these groups are going to release a study that goes against their own position?

Every "Study Says…" story should examine the key data and assumptions. If the study does not lay these out clearly then it does not deserve to be reported. The assumptions are not always esoteric. Media reports of a study of a welfare-to-work program in Minnesota, which heralded this program as a glowing success, neglected to mention that the program had been changed drastically since the study was done. By the same token, an econometric model that assumes, say, full employment, becomes suspect from the word go.

There is no reason that major media outlets such as *The Washington Post* or *The New York Times* can't have professionals on call to dissect studies before the paper holds them forth as the latest voices of authority and expertise.

6. Yesterday Matters

The U.S. media have the attention span of seven-year-olds. If something was said or done more than 48 hours ago, it ceases to exist. One result is a near total lack of accountability. Big shots and experts here can be wrong repeatedly and get away with it because no one ever asks them to explain.

This shouldn't be such a problem. All it takes is access to Nexis or a decent search engine. Back in 1993, in the Senate debate over the first Clinton budget, Phil Gramm of Texas warned that "people will pay more taxes, the economy will create fewer jobs, government will spend more money, and the American people will be worse off."

Well, Phil, what happened? Big shots here mouth off like that every day. Why don't reporters ever go back and ask them to explain why they were wrong? And in the case of experts, why do reporters keep quoting them no matter how many times they are wrong?

Then, too, history is more than simple accountability. It also provides context for the day's events. The point may seem trite. Yet the news from Washington each day typically reads as though the nation's capital materialized out of the swamp at 6:00 a.m. the day before.

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How about letting the political "observers"—the Larry Sabatos and Marshall Wittmans et al.—rest their vocal chords once in a while and call a historian for comment instead?

History is especially important with regards to the economy, since economic history tends to be more instructive than the theory. So call historians instead of economists on occasion, too.

7. Observe the Ordinary

The prestige media resemble more and more the local 11 o'clock news. They are driven by conflict and scandal—the Washington equivalents of the 50-car-pile-up story. The overseas news is this way chronically. A riot in Bangladesh appears suddenly out of nowhere, and then disappears until there's more "unrest." In Washington, the Department of Transportation plops onto center stage in the commotion over Firestone tires. Then it disappears until there is more scandal or gore.

If we don't have some sense of the ordinary, we cannot possibly grasp the occasional commotion and "unrest." Reporters might try writing about Washington as though they were foreign visitors. Every culture—even that of the bureaucracy—can be interesting if you view it through fresh and curious eyes.

8. Legality Is the Problem

Washington reporters seem to believe that an abuse isn't worthy of telling unless it is technically illegal. Thus the Clinton campaign scandals. No one explained why this money was worse than the other campaign money that pours into the political maw. It was just done in a bumptious manner that violated the law. (Also it involved recent immigrants instead of smooth WASP lawyers.)

The trouble with that standard is that the maw writes the law. Congress makes the campaign finance rules—and its own ethics rules—to ban the things it doesn't care about and to keep legal the things it wants. A congressional staffer can't take $50 from a newspaper for writing an op-ed. Yet a member of Congress can take thousands of dollars in campaign contributions from the executives of the corporation that owns that same newspaper.

This is not a defense of Clinton. His promiscuity as a fundraiser matched other areas of his life. Still, the worst abuses in Washington generally are legal. There's a difference between an act of corruption and a prosecutable offense. (While we're on the subject, is it really worse to put up a contributor in the Lincoln Bedroom than it is to, say, open up the Alaska Wildlife Refuge for oil drilling for the benefit of that contributor? Just possibly, with the Lincoln bedroom as a sop, the taxpayers were getting a break.)

9. Words Matter

Reporters first and foremost are keepers of language. They need to call things what they are, not what some ax-grinder calls them. Take the term "special interest." Somehow reporters have swallowed the ideological pap that defines a "special interest" as someone who argues for the general interest—who wants to keep the air clean enough to breathe, for example. By that Orwellian reasoning, the corporations that pollute the air for monetary gain become a magnanimous public interest.

There's an unsavory history on this particular point. In 1936, Avery Brundage, then head of the U.S. Olympic Committee, dismissed demands to boycott the Olympics in Hitler's Munich on the grounds that these were the work of the "Jewish special interest." He then proceeded to permit the exclusion of two Jewish sprinters from the 440-meter relay team—in the public interest, no doubt.

Or take the term "conservative." If reporters went back to the origins of the modern conservative tradition—to Edmund Burke, de Tocqueville et al.—they would encounter some surprises. They would find that a Ralph Nader, with his suspicions of material progress, his alertness to the destructive tendencies of human nature, his desire to protect against the leveling juggernaut of the global economy, is a conservative in temperament. Ditto most environmentalists.

By the same token, many "conservatives" have a euphoric faith in material progress and in the ability of human ingenuity to solve all problems that is a hallmark of the liberal tradition. Market utopians such as George Gilder and Jack Kemp are prominent examples.

A little more care regarding words would convey to readers that reporters are actually alive to the world and are not mentally embalmed in convention and cliché. This would be no small step. ●

MATTHEW COOPER

ONE OF THE BIGGEST PROBLEMS WITH JOURNALISM is also one of the biggest problems with human nature: We're a little slow on the uptake. Things change and we live in the past. What happened before isn't always a predictor of the future. Like lab rats who expect a food pellet after two clicks of the feeding bar and suddenly discover that it now takes three clicks, we're often mislead by our prior experiences.

I know I've been. I remember during the L.A. Riots in 1992 chatting with another *Monthly* alum who was worried that the violence would bring a backlash against

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liberalism—just as it had in the '60s—and would propel Bush to reelection. Just this past year, I found it hard to believe that Al Gore could lose the presidential race. After all, as we all know well, no incumbent party had ever blown it under such conditions. I remember thinking on election eve in 1994 that the Dems would probably lose about 26 seats in the House. The GOP had lost that number in 1982 during the recession and it seemed like a reasonable number to me.

Of course, the Gingrich crowd picked up more than twice that. I'm not in the fortune telling business and so I never put my thinking into print. (I just lost a slew of $1 bets.) But collectively journalists do think the future has to be the way it was before. In 1996, I reviewed a book called *Mirage: Why Neither Democrats nor Republicans Can Balance the Budget, End the Deficit, and Satisfy the Public.* In the '80s Jean-Francois Revel, late of *How Democracies Perish*, was the guiding light for Jeanne Kirkpatrick and Reaganites who believed that authoritarian regimes could evolve into democracies but that totalitarian ones—like those of Eastern Europe—couldn't. Today, of course, we have our own assumptions that seem inviolable: Africa will always be poor, the Democrats can't win a Senate seat in Utah and the Clippers can't snag an NBA championship. You'd think after the tumult of the 20th century our minds would automatically be open. If communism can fall, then surely H.R. 789 has a chance of passage. But somehow we remain creatures of habit, lab rats expecting the pellet. The guiding ethos of the *Monthly* has been to be open-minded—okay, except about mandatory national service and means-testing entitlements. In my daily work in the news business I try to keep that in mind.

WALTER SHAPIRO

SOMEONE FAR WISER THAN I ONCE DESCRIBED reporters as "shy egomaniacs." This shyness is not relevant to our immediate concerns. But anyone who dreams of raising the standards of journalism would be well advised to cater to the egomania of reporters.

In an ideal world, a foundation would endow a nightly televised roundtable on PBS to showcase the nation's best reporting on how government really works. Suddenly, print reporters would vie for the chance to write in-depth reports on non-glamorous federal agencies like HUD or the INS. The reason: Writing high-minded stories would now reward their creators with a chance to regularly preen before the cameras.

Fortunately, modern technology provides a way to harness these same ego needs on the cheap. All it would take is for some institution with extra cash to establish a national, daily Web roundup of the nation's most insightful and revealing reporting on government. Called, say, "The Blue-Ribbon Report," it would highlight, agency by agency, all the articles that did more than regurgitate the president's day, complete with links to the actual stories or television transcripts. Before too long, self-obsessed reporters, whether in Washington or Walla Walla, would log on every day to see if their stories were considered best in show. Trust me, the editorial decisions of the compilers of The Blue-Ribbon Report would subtly shape news coverage.

Tim Russert and Maureen Dowd should be reassigned to cover the FDA.

Anyone who follows politics knows that I am trying to emulate "The Hotline," a pricey subscription news service published by the *National Journal.* Five days a week, "The Hotline" publishes an exhaustive compendium of all the political news that appeared in print or was uttered on televised gab fests. As a political columnist, I will confess to an inordinate interest in how "The Hotline" treats my twice weekly epiphanies. Similarly, a reporter in Trenton who just broke a story on fundraising efforts for this November's New Jersey gubernatorial race will preen with pride when his work is immortalized in "The Hotline." Since everybody who counts (that is, of course, fellow reporters and news sources) is addicted to a daily "Hotline" fix, political correspondents derive positive reinforcement from devoting their careers to charting the world of campaign consultants and candidates who slavishly follow their dictates.

Can we really make reporting on government a fraction as glamorous as prematurely handicapping the field for the Democrats in 2004? Alas, probably not. Still, an endeavor like The Blue-Ribbon Report would pay far more real-world dividends than funding another round of journalism prizes for "the best six-part series on government malfeasance in a daily paper with a circulation less than 100,000." The problem with yearly awards,

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whether they are the Pulitzers or a certificate of merit from the Journalism Association of Southern Missouri, is that they are designed to celebrate exceptional performance. Instead, what is desperately needed is a way to honor day-to-day reporting on the interstices of government.

Something akin to The Blue-Ribbon Report would have the side benefit of serving as a national tip-sheet for Washington big-think types. If, say, local reporters in Denver and Atlanta are writing stories about similar management scandals in the regional offices of the Labor Department, this online government news roundup would allow even the most inert national correspondents to see provocative patterns in the news. Right now, most out-of-Washington investigative articles disappear down the memory hole. How bracing it would be, for those of us who grapple with the what-the-hell-do-I-write-today challenge of newspaper work, to log onto The Blue-Ribbon Report and find a quick summary of everything that has been recently unearthed about the Border Patrol or the food-stamp program.

There are few journalistic endeavors more laudable than holding government to the highest standards of performance, rather than simply grading the incumbent administration on its public-relations skills. But if you want more serious reporting, you have to reward it. Since no one is ever going to get rich from doggedly covering the Food and Drug Administration, a few gold stars, or glowing mentions in our mythical Blue-Ribbon Report, could go a long way toward encouraging a new generation of reporters to dig beneath the surface of government.

Jonathan Alter

Not long ago I went to a wake in a New Jersey suburb and met arguably the most powerful person in American journalism. When I noted this, she was appropriately modest. But it's true. From a desk at the *Associated Press* in midtown Manhattan, she decides each day which five stories will be tagged as major news. When they go out over the AP wire, they frame and shape the coverage. If they don't make the wire, they might as well not have happened. Yes, the dowdy old *AP* is still calling the tune.

Of course, Reuters plays a similar role, as do the front pages of *The New York Times*, *The Washington Post* and the New York tabloids; *Newsweek* and *Time* help validate big stories. But the group is very small. Fewer and fewer people are actually gathering the news; more and more are processing and analyzing it. Many print reporters must now file repeatedly for the Web versions of their publications, or yak on cable TV (myself included). Meanwhile, many TV reporters, who once had at least a couple of hours to report, must now go on camera repeatedly when big news breaks. The result of all of this is that the same Washington stories get told and retold, packaged and repackaged. While there is fresh ground being broken in health and business journalism, reporting about government hasn't progressed. It's still conflict, scandal, and personality. Anything that doesn't fit that has a hard time getting reported. Health and business stories don't need conflict; a new treatment or investment will do. But new government initiatives usually need something else to get them over the hump. Recognition that a housing program or environmental decision will affect millions of people is not enough anymore to qualify as news.

The old beat system had its drawbacks; it bred coziness and laziness. But staff cutbacks and short attention spans have left something worse—a kind of amnesia about Washington. Even when a newsletter or small publication digs up an interesting story about, say, HUD, it's usually ignored by the rest of the press. If it hasn't been "certified" a big story by the wires and TV, it's hard to get editors interested. Meanwhile, more phony stories are getting picked up and spread as truth. For instance, when President Clinton left office, he did some stupid things he has justifiably caught hell for in the press—like the Marc Rich pardon and the loony and greedy idea of registering for gifts. But it was simply untrue that staffers looted Air Force One of goodies and shattered glasses. And the White House was not "trashed" by departing staffers. But it took four days before reporters caught up to these facts—four days of letting the Drudge Report and *The Washington Times* throw a little more dirt on the Clintons without substantiation.

It used to be that saying a story was "too good to check" was a kind of inside joke among reporters. They checked it anyway. Now, it's a way of doing business. Yes, there is still terrific work being done by various reporters covering politics and government. But amplifying the AP story list and "analyzing" juicy scandal rumors make up much too large a share of the overall coverage.

Timothy Noah

The Washington Monthly believes that personnel policies are a key ingredient to making the government, or any other big organization, work. Why not

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alter the personnel policies of the big media organizations to focus more on policy than on trivia?

My idea is to reassign political reporters to policy beats for the first year of the Bush administration. By "political reporters," I mean the top-dog reporters of every Washington news organization. David Broder and Dan Balz at *The Washington Post*. Maureen Dowd at *The New York Times*, and Tim Russert at NBC. People like that.

Two things need to be said about this group of people: One, they tend to be extremely talented; and two, it's usually a waste of their gifts to have them strain, in non-election years, to write windy meta-analyses of the political landscape. Because they enjoy great prestige within their news organizations, windy meta-analysis enjoys great prestige while the mere coverage of what goes on in specific policy areas, and how these policies affect real people, isn't very prestigious at all. (If my tone here sounds a little surly, it's because I spent six years covering regulatory agencies for *The Wall Street Journal*, and I certainly never made anyone swoon at a Washington cocktail party by announcing that I covered the Food and Drug Administration.)

Believe it or not, reporting wasn't always this way. The job category, "national political reporter," didn't even exist before the 1960s, when news organizations, chastened by the insider campaign scoops in Theodore H. White's *Making of the President* books, created it. Some of the people occupying these slots right now—Broder is the best known example—are from the occupation's very first generation. Temporarily siphoning this talent away from big-picture politics would hardly be a threat to hallowed journalistic tradition. Rather, it would improve the way news organizations cover what government actually does. The reassigned reporters would use their clout to get more column inches and air time on substantive issues, and their egos wouldn't permit them to do halfhearted work. In addition, a valuable message would be sent to reporters already covering these beats—and, perhaps more important, news consumers—that this work deserves attention. No doubt there would be some conflict on occasions when longstanding beat reporters felt bigfooted by media stars. More likely, though, the potential bigfeet, knowing themselves to be policy novices, would realize they'd have to form fruitful collaborations with the beat veterans. And when they returned to the politics beat, they'd have a better appreciation for why elections exist in the first place.

Art Levine

It's long been a mantra of this magazine that the press pays too much attention to the horse race elements of politics and policy, but not enough to substance.

The problem, though, is getting anybody to pay attention to the important policy stories. It's easier and more exciting to write about the battle of personalities, interest groups, and spinmeisters, as well as the O.J., Monicagate, Elian Gonzalez or Florida recount debacle stories that grip the public imagination. When we are all following the 24-hour cable channels and Internet for the latest tidbits about the *scandal du jour*, who wants to read articles entitled "Whither the Social Security Trust Fund?" or "Our Failing Schools"? With ratings, career advancement, and circulation at stake, journalists too often view substantive stories as spinach that they'd rather not feed their audience. It's not surprising, then, that in recent years they've become more like carnival barkers, luring the boobs into the news tent with the promise of, essentially, nudie shows, political scandals, and bathetic melodramas.

Journalists have become more like carnival barkers, luring the boobs into the news tent with the promise of essentially, nudie shows, political scandals, and bathetic melodramas.

However, some journalists, such as the investigative duo of James Steele and Donald Barlett, now with *Time* magazine, have found a possible way out of this dilemma by putting a human face on policy issues. The principles at work in their investigative monuments can be adopted by other journalists, including those faced with the demands of regular deadlines.

In a story on bankruptcy reform legislation last year, for instance, Steele and Barlett didn't limit their story to

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Illustration by C. Larson

just showing how the banking and credit-card lobbies were giving millions to favored legislators to push a draconian bankruptcy bill that critics said harmed consumers. Instead, they led their article on campaign spending, "How the Little Guy Gets Crunched," with the story of an eight-year-old girl with a degenerative muscular condition whose parents were too burdened with credit-card debt to pay for her medical bills. Yes, it's melodramatic, and conservatives derided their assertion that the new bill—which was ultimately vetoed by President Clinton—unfairly restricted bankruptcy options for consumers. But they got readers to pay attention to a policy issue by illustrating it with a compelling human-interest story.

Barlett and Steele are basically using what I call the Gravedigger Gambit, in honor of the great Jimmy Breslin who helped develop it. Breslin, now with *Newsday*, often puts important news events in perspective by showing their effect on the lives of average folk caught up in them. In one celebrated column written about Jack Kennedy's funeral, he focused on the gravedigger who had to get up early to prepare Kennedy's grave. While the rest of the press pack was focusing on the pomp and ceremony of the sad day, Breslin was illustrating what President Kennedy meant in people's lives in a dramatic, heart-wrenching way. He's been able to do such stories quite often in the regular 800-word columns he's written for over 30 years. This bottom-up approach to news and issues takes some extra work on the part of reporters used to just calling up Norm Ornstein for comment, but it pays off in dramatic ways.

Such devices can become hackneyed in the wrong hands, of course; but without compelling narratives, all the public-spirited journalism in the world won't be able to compete for space or attention with the bread and circuses the media emperors now offer us. ●

JON MEACHAM

CHARLES PETERS HAS BEEN AHEAD OF HIS TIME ON a lot of things, but especially with his insight that journalists should bring narrative storytelling to what works and does not work in government. Everybody knows that many of the political tenets of neoliberalism are part of the American mainstream, but I believe Peters' quiet crusade to force reporters to think novelistically about seemingly unglamorous subjects is our best bet to get the media to do a better job of bringing the story of government alive to broad audiences.

For a while now, there's been a kind of twilight struggle between those who wring their hands about the tabloidization of the national media and the folks in the national media who, indeed, do spend a lot of time telling stories that are interesting but not so very important. My view is that journalism properly practiced can cover stories both high and low, from the war over guns to Tom and Nicole. It might be useful to think of such coverage in dinner-party terms: You shouldn't have too many sweets or too many vegetables. The ideal mix is a balance between the two, and we should prepare the vegetables with the same care and flair that we bring to dessert.

There's no question all of us can do more to explain how the vast institutions of government really work. But we can't just do it to make ourselves feel better about chasing the latest speeding tabloid car. To his credit, Peters saw a solution to this conundrum: Assign reporters with an eye for human drama and detail to get inside the often opaque world of public policy.

We should also broaden the definition of "government" to include the vast public arena outside the departments and agencies. Steve Waldman did this in his wonderful book about national service, *The Bill*—a story told with a feel for the flesh-and-blood realities behind the gray statistics and policy solemnities. *The Washing-*

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ton Post's Katherine Boo is the prevailing master of taking readers inside public programs; her Pulitzer Prize-winning series on care of the mentally retarded in the District of Columbia introduced readers to unforgettable characters while, at the same time, explaining where the system broke down. Covering government better means writing about what government, broadly speaking, really is: Institutions run by real people making their way in a world, in George Eliot's phrase, of "dim lights and tangled circumstance." ●

MATTHEW MILLER

A SYSTEMIC PROBLEM FACING THE PRESS IS THAT what's new isn't the same as what's important. We need our top outlets to give us the latest, but it would be nice if they could also keep us focused on the things that matter. The press' failure here spawns an unproductive cycle in which committees of "concerned journalists" and other handwringers issue fretting reports, and top outlets point defensively to a few stories they did. At the same time, the tendency to elevate trivial matters into groundshaking events accounts for a justifiable portion of public officials' contempt for the press. In its own way, this contempt—and the caution it breeds in survival-oriented officials—makes the job of reporting on public life harder .

What to do? My dream reform is simple. If I were Arthur Sulzberger or Donald Graham, I'd devote an inch or two at the bottom of page one each day to a small but legible presentation of key facts that are "Still True Today." My own list would include "43 million Americans uninsured; 2 million teachers need to be recruited in the next decade, while average teacher salary is $38,000; number of abortions last year—1.4 million." Perhaps you'd have 20 key facts highlighted. The exercise would require leading papers to put forward what they think are the most important things citizens need to remain aware of even as the "news" changes each day. It might help set the agenda for their enterprise reporting. And the art department could make sure this recurring feature was fun and lively. The cable news networks could do something similar on panels they show before commercial breaks.

Who knows? If an owner-dominated publication like the *Times* or *Post* took a chance and started such a feature, the ripple effect might be huge. The *Times* inaugurated an op-ed page 30 years ago; now it's a staple. A few years hence the same might be true of "Still True Today!" ●

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JOSHUA WOLF SHENK

IT WAS RUDE, ONCE, TO SEND A TYPEWRITTEN LETTER. Later, a social call by telephone seemed most impolite. The protests are thin reeds against the march of machines. I will make a stand anyway—against automated phone systems. I invite my fellow journalists to join me. We will be crushed, I expect. But this is an enemy we can learn something from.

In 1989, a loan company in southern California installed an automated phone system, but yanked it when customers protested. In the early 1990s, at my first magazine job, the quirks of the automated life still raised eyebrows. I remember the owner complaining, semi-seriously, about the message, I will transfer you now. How could this machine call itself "I"?

Now, this seems quaint. We speak to machines, take instructions from them. When one machine stops working, we turn to another for help. With luck, and patience—don't jab zero, for the machine will not understand what you pressed—we can get a human voice to read us scripts from a computer screen. And the march—toward automated systems, toward automated lives, toward what Milan Kundera describes as an element of the Kafkan, "the bureaucratization of social activity that turns all institutions into boundless labyrinths"—will continue.

Journalists know this problem well. Aren't so many flacks like automated phone systems, only in softer clothing? *For the senator's schedule, press 1. For a criticism of the senator's opponent, press 2. For a pithy criticism, spell b-a-c-k-g-r-o-u-n-d on your touch tone phone.* Good reporters go around the machines, develop sources who will break the script, or find documents that show life happening. Good reporters commit themselves against lies, against automation. They serve citizens, not customers.

And when reporters write, they are human voices calling out in the boundless labyrinth—whether covering government, or the for-profit managers of very public utilities. We are as dependent, now, on the wires and consoles of private companies as we are on the roads and schools run by governments. Individuals, in these large systems, wield little power. Journalists can amplify them.

But not by talking louder, or talking bigger, or by sprawling over more sections and web pages. The daily

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New York Times these days feels like a labrynth itself. During the Florida imbroglio, I felt like jabbing the zero key: I had 16 stories every day, but I couldn't tell what happened!

To fight the machines, journalists must be dogged in pursuit, mischevious in temperament, clear and idiosyncratic in voice. Our weapon is our humanity. The next four years will be a great test, as commerce continues to automate, and the White House is occupied by a man whose jumbled, awkward language recalls what Orwell had to say about politicians in his day. "One often has a curious feeling that one is not watching a live human being but some kind of dummy. The appropriate noises are coming out of his larynx, but his brain is not involved." When this happens, Orwell warns, the speaker "has gone some distance toward turning himself into a machine."

Stand up, thin reeds, and join the fight. ●

SUZANNAH LESSARD

THE BIGGEST CHANGE IN OUR SOCIETY SINCE THE early days of *The Washington Monthly*, in my view, has been the ascendency of market values to the point that they have eclipsed all others, including political and even artistic values. At the same time, there is a kind of mass amnesia about this. No one seems to remember that it wasn't always this way—that, in fact, in the half century after the Depression, it was government that had the prestige and authority that the realm of business now enjoys.

One small indication of how deep that change is might be the fact that in 1972, I wrote a piece for *The Washington Monthly* called "Do Entrepreneurs Have More Fun?" arguing that people who start businesses create jobs and deserved credit for taking risks. In liberal circles at that time, this idea was unfashionable to the point of being iconoclastic.

I am ceaselessly amazed by the totality of the changes; how bright, idealistic kids assume, as a matter of common sense, that if something can't survive in the market it deserves to fail; the belief that the poor must be causing their own problems because they are poor; the constitutional intolerance for the idea that today's boom might end; and the blind belief in the power of business to solve all our problems.

Ironically, the newspaper business is one of the last holdouts—or at least parts of it are. You notice it as a writer. Newspaper editors might be a bit crude in their idea of a story, but the conversation about it will revolve around its inherent interest rather than its "buzz." Whatever our complaints about our newspapers might be, the profession has not yet been overhauled and redefined according to market values the way so many other areas of the media have been. Newspapers are businesses, yes, but in large part the best of them are still about the work. I am not quite sure newspaper people realize this—after all, it has always been that way. But I think it's time for a little more consciousness. I would like to see the market culture covered as a phenomenon whose blind sides can be identified and whose costs in vision measured. There aren't many outside perspectives on it left. ●

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SCOTT SHUGER

AS ANYONE WHO'S WORKED AT *The Washington Monthly* can attest, Charlie Peters has a rather strong sense of history. Oh, let's be blunt—the man never forgets anything. And so it's no accident that one of the things the *Monthly* has done better than anybody else in journalism is intelligently apply history to current politics. But even though the *Monthly* has schooled a generation of journalists, this is one area where the dog ate their homework. The current political situation offers a sad illustration of our ahistorical press.

After the twisted tale of how it got in office in the first place, perhaps the most remarkable thing about George W. Bush's administration is how many of its key players have been key players in government before. And almost as remarkable has been journalism's rather slipshod reaction to this. The press has often implied that before making his appointments, George W. did little more than check with Poppy. Maybe so, but afterwards, how much have *journalists* really done to learn about these folks?

Take Dick Cheney. (Please.) It's simple to sum up the media coverage he's gotten since coming back on the national scene. Steady and wise. Check. Knows the White House and the Hill like the back of his hand. Check. Led Department of Defense during the glory days of the Gulf War. Check. Former CEO of a large corporation. Check. The press hasn't exactly plunged the depths lurking beneath this shimmering surface. Sure, there was the discovery that while a congressman Cheney had a surprisingly conservative voting record. That took five minutes of computer time. And there's been a bit about his health. That took noticing when he keeled over with

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his fourth heart attack. (And nobody other than *The New York Times* reported much on how Cheney stonewalled on the details.) For each stage of Cheney's career, it's ridiculously easy to come up with substantive questions the media haven't answered because they haven't asked.

Consider for instance, his tenure as secretary of defense. Did he help plan all those briefs extolling the miraculous ability of Patriot missiles to knock down Scuds? Briefs we now know were totally false? What did Cheney ever do about the problem of "friendly fire" during the Gulf War which produced an unprecedented 27 percent of Allied casualties? And what was his stance on Gulf War Syndrome?

It's nothing short of a press scandal that this exercise could be replicated with ease for most of those in George W. Bush's inner circle.

It's important to note that I am not advocating more gotcha journalism. Finding out that Donald Rumsfeld was in the room when Nixon made some racist remarks—which the *Chicago Tribune* did and tried to make into a big story—is playing gotcha. Finding out what Rumsfeld did or did not do in his first Pentagon tour to open up the senior officer ranks to blacks—which no paper did—would be much more than that.

The point is that the press needs to remember that news is so much more than novelty. And what better time to pay attention to the relevant past than when confronted with a government with so much of one? Investigating and articulating the proven strengths and weaknesses of powerful people is the best thing the press can do to ensure that they use that power properly. ●

DAVID SEGAL

IN 1997, THE FEDERAL TRADE COMMISSION SUED to block the Staples-Office Depot merger, a union that would have fused the nation's two largest office superstores chains into a $10-billion-a year colossus of White-Out and paperclips. The proposed union seemed like a lousy idea for consumers, and on the opening day of a hearing into the matter, it seemed even lousier. Lawyers for the FTC produced a series of devastating memos written by executives from both companies, which said, in effect, "Let's hurry up and close this deal so we can jack up prices." Staples newspaper advertisements were presented showing that in towns where the company had no superstore rival, prices were consistently higher than in towns where superstore competition thrived. It was, as lawyers like to say, a slam dunk. A few weeks later, a federal judge scuttled the deal.

No one explained why the money the Clinton campaign took was worse than the other money that pours into the political maw. The trouble is that the maw writes the law.

What was most striking about this trial was that it happened at all. Headliners like this case and the even higher profile Microsoft battle belie an alarming reality: The nation's antitrust cops are utterly overwhelmed. Staffing levels at the FTC, for instance, have barely budged since 1991, although the annual number of merger proposals has tripled. As a result, the government is suing less often, hoping adverse publicity will frighten other executives away both from anticompetitive mergers and price-fixing conspiracies. As my former editor has noted often in these pages, that strategy has been used effectively by the IRS, but it doesn't work as well in antitrust, where the penalties are typically nothing more than attorneys' fees, which invariably pale next to possible profits.

At least during the Clinton years, the enforcers were trying. There's no telling how the Bush administration will approach antitrust, though it's a safe bet that executives will push the limits of the law as hard as they can. As well they should. Capitalism is a game that requires greedy competitors and plenty of conniving, which is also why it desperately needs a vigilant set of referees.

It could also, for these reasons, use more ink from newspapers and magazines like the *Monthly*, with stories that look beyond the scooplets about the FTC's decision to investigate Cisco's latest acquisition, or "events" like the FTC-Staples showdown. There should be more features examining the effect of bigness—both good and bad—on the economy and the

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retail landscape. With the New and Old Economy titans getting hitched—AOL-TimeWarner is only the highest profile example—we could also use a clearer idea of where all this convergence is leading. Just keeping an eye on the Bush administration's trustbusters will yield some yarns.

It's rich material. Though rife with abstract theory and inscrutable ratios, the downside of letting executives scheme as they please is higher prices or less consumer choice, or both. The FTC and Justice are essentially doing exactly what Alan Greenspan is doing—fighting inflation—with far blunter instruments. And unless you're Bob Woodward, that guy won't even talk to reporters. ●

STEVEN WALDMAN

I WAS A PASSIONATE ADVOCATE OF MORE PRESS coverage of government—until I went to work in the government. There, I concluded it was just as well the press ignored most of what went on.

In 1995, I took a break from journalism and went to work as a senior advisor to the CEO at the Corporation for National Service, the government agency that runs AmeriCorps, the program that enables young people to earn college aid in exchange for community service. Let me first offer one great big caveat: I think AmeriCorps is a terrific program, one of the best things the government does.

But, not surprisingly, once I arrived at the CNS I soon saw plenty of problems with the way AmeriCorps worked. Most stemmed from the highly decentralized nature of the program. AmeriCorps is made up of hundreds of little programs, each run by a local nonprofit group, and most of the money is distributed through state commissions appointed by the governor. Due to the lack of centralized control, there is a random distribution of high-quality and low-quality programs.

In theory, an aggressive press would be a perfect antidote. Local reporters would bring to public light the problems with local programs, and these could either lose funding or be fixed.

The reality of press coverage was quite different. We were in a dirty fight to save the program from elimination. Each year since 1995, the Republican Congress zeroed out funding for AmeriCorps (mostly just to poke Clinton in the eye). The House oversight committee was constantly looking for the slightest wart that could be used as an excuse to eliminate the program.

With more than 400 grantees, it is impossible not to not have a few bad apples. One program, for instance, engaged in political advocacy, something that is explicitly against AmeriCorps policy, and was de-funded—but it offered "evidence" to program opponents that AmeriCorps was secretly a vast army of campaign workers for Bill Clinton. Another program overspent on administrative overhead by 40 percent—"evidence" that the entire program was a waste of money.

When dealing with bad AmeriCorps programs we felt like Clinton's staff must have felt in 1992 dealing with "bimbo eruptions." We'd hear about them and then, in a panic, move quickly to try to fix them and squelch any news reports.

We needn't have worried. The press was so profoundly uninterested in the actual functioning of the programs that few of the bad ones were ever written about. (Few of the good ones were written about, either, but that's another story).

Though this cut against everything I believed about the press' role, as a government official I was hugely relieved that the press was ignoring us. Vigilant local reporting would have surely turned up enough examples to sink the program. We needed a few years of media blackout to get the kinks out.

Of course, this isn't really an argument against press coverage of government programs, but rather an argument against the way the press covers these things, and, just as importantly, the way politicians use the information. The ideal would have been for the reporters to investigate local programs and write about them whether they were good or bad, providing a clear sense of proportion as they were doing it.

The problem is that the investigative mindset of reporters, which views only flaws as newsworthy, creates a perverse incentive within bureaucracies. Even those who are genuinely committed to improving the programs (and there are a lot of them) become antagonistic to real investigation. Why show the inspector general that worrisome conservation corps in Oregon if the results will only end up tanking the whole program? That's the way one starts to think.

Of course my greatest anger is with the politicians who establish this kind of dynamic. If lawmakers rewarded government agencies that were forthright in disclosing problems—rather than punishing them—it would stimulate greater candor and greater bureaucratic interest in improving programs. The press could help, too, by covering not only the bad programs but also the ones working hardest to improve. That's a level of nuance few reporters currently bring to the task. ●

STEVEN WALDMAN *is the founder of Beliefnet.com.*

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Market Myths

The failings of conservative economics

By James K. Galbraith

When Ronald Reagan took office in 1981, two books captured the ideological upheaval of the day: George Gilder's *Wealth and Poverty* and Jude Wanniski's *How the World Works*. At the time, many who opposed Reagan treated Gilder and Wanniski with derision, but we underestimated them. Truly, the country's cultural landscape was changing. Socialism, social democracy, social welfare, the social contract, and Social Security were sliding toward disrepute. Henceforward, the market—alone—would rule.

Today, George W. Bush holds the White House, with a palace guard of corporate officers from oil, drugs, aerospace, and mining. Globalization has spawned a "cult of impotence," in Linda McQuaig's fine phrase, whose high priest is Thomas Friedman of *The New York Times*. The number four bestseller on Amazon.com is a fable about mice, mazes, and accepting impotence called *Who Moved My Cheese?* The morals of these facts, if facts have morals, are (1) the market really does rule, (2) you can't do anything about it, and (3) you'd better not try.

And yet, after 20 years, the political magic of the market is played out. In his campaign, Bush recycled Reagan's program, especially tax cuts and deregulation, and added a call for privatizing Social Security and for investing payroll tax dollars in corporate stocks. The voters recoiled, choosing the thematically tone-deaf Al Gore by over half a million popular votes. This was despite the fact that Gore had virtually no program beyond balancing the budget and defending Social Security and Medicare.

It also seems possible that we have now exhausted the potential of purely market-driven economic growth. The promise of the stock market has gone sour. The high-tech New Economy is collapsing, household and company debts are heavy, and it is possible that interest rate and tax cuts may not suffice to revive either the New Economy or the old. In the California electric-power crisis, we see a confessed failure of deregulation; in the new airline mergers we see monopolies forming. As unemployment rises, calls for government intervention will grow; meanwhile, the public strongly favors tough environmental protection and a higher minimum wage. The Republicans have thus inherited an economic task requiring tools that they oppose, while their free-market mantra has suddenly become, of all things, a liability with the American public.

Under review...

Selling the Free Market: The Rhetoric of Economic Correctness
by James Arnt Aune
The Guilford Press, $23.93

One Market Under God: Extreme Capitalism, Market Populism and the End of Economic Democracy
by Thomas Frank
Doubleday, $26.00

After Progress: American Social Reform and European Socialism in the Twentieth Century
by Norman Birnbaum
Oxford University Press, $36.00

How could this happen? James Arnt Aune, until recently affiliated with the George Bush School at Texas A&M University, summarizes the libertarian philosophy behind free-market political prescriptions:

"Libertarian policy prescriptions are based on just a few principles, outwardly appealing in their seeming simplicity ... 'simple rules for a complex world.' The first ... is that social problems can be resolved by creating a market. Are schools failing? Create a free market in education. Is there pollution or waste of resources? Create a market in the resource or the right to pollute; ... Is there a shortage of human organs for transplants? Let people sell their body parts. Not enough babies for adoption? Allow people to sell their babies ... "

And with equal deftness, Aune fingers the trouble: "These principles of 'economic correctness' are increasingly mouthed in the universities and especially in conservative think tanks, but their obvious long-term implications may strike ordinary Americans as horribly cruel. They need to hear this economic gibberish first-hand...Free-market rhetoric is powerfully persuasive only to a certain kind of elite audience; uncoupled from nationalist appeals...it begins to lose its power to moti-

James K. Galbraith *is author of* Created Unequal: The Crisis in American Pay. *He teaches at the University of Texas at Austin and is a Senior Scholar of the Levy Economics Institute.*

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vate general audiences in a positive way."

Aune goes on to focus closely on the rhetorical practices of several major libertarians: the legal scholar Richard Posner, the novelist and Greenspan mentor Ayn Rand, the philosopher Robert Nozick, and the polemicist Charles Murray. He shows how the "realist style" of economic argument works, combining the definition of any "object, person or relationship as a commodity"; reliance on quasi-logical argument; appeals to irony (via reference to the "inevitable perversity of well-intentioned social programs"); failure to respond to opposing arguments (because "in real science, when fundamental questions are settled, only cranks dispute them"); and perhaps above all, the avoidance of empirical investigation.

Once one decodes these devices, cracking the arguments becomes a parlor game, not more difficult than crossword puzzles nor less routine. Having once "solved" the sophistry of, say, Nozick, or seen the contradictions built into the speeches of Newt Gingrich, you will put them down and never look at them again. The remaining mystery is only why they held up for so long. In the case of Rand, the answer, as Aune explains, lay partly in her romance-novel sensibility and in the sex. Murray's underlying appeal was to "the superior morality and sense of social 'place' of the Old South"—to put the matter very delicately indeed. The others survived by shouting loudly from pulpits at Chicago, Yale, and in Washington, and for this, tenure is useful. Just as soon as Gingrich lost his, he disappeared, and the same will certainly be true of any other modern Republican political leader, including our new president, as soon as the trappings of high office are removed.

While Aune targets the free-market commanders with elegant precision, Thomas Frank has given us something else again: a sprawling assault on the vast armies of boosters in popular and business culture. If Aune is right, and the libertarian logic is unpopular, then how come the metaphor of the market dominates our cultural lives? Frank seeks the answer in magazines such as *Fast Company* and *Wired*, in television advertising, in the techno-hype books of Daniel Yergin and the later Gilder, in ordinary-folk-get-rich books by Joseph Nocera and many others, and in the stock market commentaries of James J. Cramer, founder of TheStreet.com (to which, let me confess, this reviewer contributes a column). And while one has to admire Aune's handiwork, Frank's is larger. *One Market, Under God* is a spectacular book.

Frank's extraordinary ability is to digest and regurgitate second-rate material, in enormous volumes. He has, for instance, actually read through to the end of Thomas Friedman's *The Lexus and the Olive Tree*. Here is how he summarizes the conclusion:

"In a closing chapter Friedman asked readers to wonder with him at how a 'visionary geo-architect' (i.e., God) would go about designing the ultimate nation, how He would insist that it had 'the most flexible labor market in the world,' how He would ensure that bosses were tolerant of every rebellious and zany lifestyle accessory white-collar people used to signify their creativity, but also (and only a few sentences away) how He would be sure to let the same bosses 'hire and fire workers with relative ease.'"

On reading this, I thought, really? And the answer is: really. Frank isn't entirely fair, because Friedman also spends a good many paragraphs celebrating other features of the American scene, including our fairly free white-collar immigration, flexible bankruptcy laws, and antitrust enforcement. And the actual promotion of the architect to God is by Frank, rather than Friedman.

Still, Frank has named our problem, not capitalism but "extreme capitalism": the obsessive, uncritical penetration of the concept of the market into every aspect of American life, and the attempt to drive out every other institution, including law, art, culture, public education, Social Security, unions, community, you name it. It is the conflation of markets with populism, with democracy, with diversity, with liberty, and with choice—and so the denial of any form of choice that imposes limits on the

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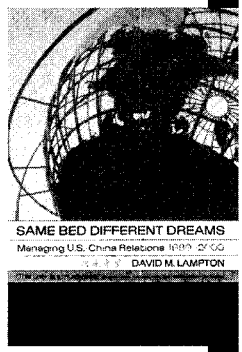
Managing U.S.- China Relations, 1989–2000

by David M. Lampton



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market. More than that, it is the elimination of these separate concepts from our political discourse, so that we find ourselves looking to the stock market to fund retirement, college education, health care, and having forgotten that in other wealthy and developed societies these are rights, not the contingent outcomes of speculative games.

If I have a complaint with Frank, it's that he doesn't give either Milton Friedman (one mention) or Francis Fukuyama (one mention, no index listing) their right places in the pantheon he describes. *Free to Choose* and *The End of History* were pioneering. They defined, respectively, the identification of the market with freedom and the perception that no alternatives could no longer exist. On these foundations, much that came later was built.

Our problem is "extreme capitalism," the obsessive, uncritical penetration of the concept of the market into every aspect of American life.

Otherwise, the book is note-perfect, so far as I can tell. And therein lies a further problem. For the most part, I can't tell. Personally, I do not live in the world Frank describes. In fact, it seems to me that America will be shortly divided into two groups. There will be those who buy the works of Gilder and Yergin and tear up at Paine Webber's ads. This group will not read Frank.

Then there will be the rest of us—a minority who barely turn on the television; who do not check the status of our pensions; who send our kids to public schools; and who are aware that, for instance, real books on economics have been driven from the bookstore shelves by the "business section," touting *Beardstown Ladies* and *Seven Habits of Highly Effective People*. We will get our information on this other world by reading Frank. We will be entertained, outraged, and convinced. And we will certainly feel no need to check whether Frank is being entirely fair—unless we happen to be writing a review.

How can this be? The answer lies partly in an increasing detachment of parts of the public from the media of mass culture. The fate that befell Marxism awaits the Bolshevism of the Right: as in the late Soviet Union, you close your door and shut out the offending noise. Thus Americans are quite capable of holding onto independent judgments for long periods of time—as they did by supporting Clinton through his impeachment and by voting for Gore.

The rest of the answer may be that for all of Frank's brilliance, he is spending too much time at the office. In the actual United States, some 90 percent of children still attend public schools, unquestionably better off than they were a generation back, and with high-school football teams whose noncommercial games we faithfully attend. Sixty percent of the elderly get 80 percent of their incomes from Social Security alone. Half of a vast health-care system is publicly funded, and about half of a vast university system is, too. We live in a country where the public institutions may be psychologically beaten down, but for the most part they are still standing. As a cab driver in Knoxville put it to me last summer: "Plenty of socialism all around."

And that brings me to recommend a third volume for these times: Norman Birnbaum's great new essay, *After Progress*. Birnbaum, professor emeritus at the Georgetown University Law Center and one of Washington's few intellects of the first rank, has written a history of social construction in Europe and the United States from the late 19th century to the present day. It is an extremely complex, morally ambiguous tale. But Birnbaum renders inspired service in reminding us just who, exactly, we really are, and how we got there.

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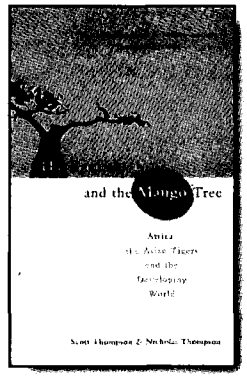

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alternatives exist. Many have, and do, and if you want to try to understand social dialogue in France, Spain, Italy, Germany, or Britain, this book provides one-stop shopping of a high order. The notion that the French are victims of some singular, incoherent, and incomprehensible anti-globalist stupidity—as American reporting over Gallic protests against McDonald's, for instance, always seems to suggest—cannot survive Birnbaum's remarkable discussions of Europe's many debates over state and market in the past 50 years.

In all this, the United States figures for only one chapter. In it, Birnbaum manages to convey the particular complexity of movements for social change in America, particularly the confluence of our sense of international mission, New Deal legacy, civil rights, the antiwar movement, the movements for women's rights and environmental protection—many of them in the vanguard when compared to the European left at a similar time. We are, he says, in what might be a hopeful response to Thomas Frank, "a democracy of manners. Traditions of disrespect for authority and convention, of systematic idiosyncrasy, live on. Odd segments of the nation are often energized by projects of protest.... The perpetual disorder, spurious rationality, and inauthentic transparency of our public sphere do not quite conceal the persistence of themes as old as the republic. Self and society; neighborhood and nation; race, region, religion and citizenship; avarice and minimal decency; arrogant power and resentful subordination; inequality in fact and equality in fiction—each and all are in constant collision and perpetual recombination."

Birnbaum also notes how Republican presidents from Nixon to Reagan realized that they could not govern without adopting large parts of the left agenda, from expansion of the welfare state in Nixon's case to the search for détente under Reagan. Attempts to rule on the Republican base alone, as in 1981-82, were politically disastrous—and soon abandoned.

And now a new administration takes office, with the narrowest political base in memory, consisting of no more than corporate power, the professional military, and the Christian Right. Lacking theories or theorists, this coalition will attempt to govern without fresh rhetoric. Meanwhile, vast constituencies—including the African-American and Jewish communities, labor, environmentalists, feminists, and the intellectuals—have already withdrawn their consent to be governed. What Birnbaum seeks, "not a promised land, but a terrain of dialogue and experiment" could, just possibly, be about to open across the wide fissures of the American opposition, motivated in part by shared rejection of rule by markets alone. ●

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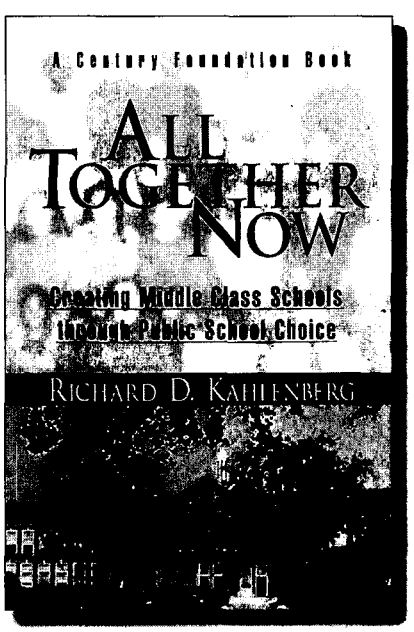

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Political Booknotes

Gates of Hell

By Andrew Cockburn

About the same time that I sat down to write this review, I got one of those forwarded jokes that account for most of the traffic on the Internet. This one was brilliant: "In Japan, they have replaced the impersonal and unhelpful Microsoft error messages with Haiku poetry messages." Among the adaptations of this ancient Japanese poetic form, which seeks to convey powerful insights through extreme brevity, were: "Yesterday it work'd/Today it is not working/ Windows is like that," "Windows NT crash'd/I am the Blue Screen of Death. / No one hears your screams," and my favorite,"With searching comes loss/And the presence of absence:/ 'My Novel' not found."

Exactly. Here we are, universally equipped with the technological miracle of the personal computer, and half of the time the damn things don't work. It's not that they can't work—I found that out when I switched to a Mac—it's just that Microsoft has gotten away with foisting a miserable operating system on most of the world, and it doesn't care. Therefore, like all other rational human beings, I greeted the humiliation of Bill Gates and his corporation in federal court with an instant and delicious thrill of schadenfreude.

Understanding exactly what Microsoft had done wrong, and why it deserved to be obliterated, took rather longer. In fact, I did not really get the point until I read *Pride Before the Fall*, a refreshingly succinct history of the Microsoft anti-trust trial and the events leading up to it. An adaptation of a long article for *Wired* magazine, the book explains the technology surrounding the case without being incomprehensible to cyber-illiterates like myself. This may be because author John Heilemann is a journalist who delved into the wired world, rather than the other way round. Thus he displays an easy fluency with the sometimes arcane subject matter without advertising the fact. As the book makes clear, the Microsoft trial was not simply a battle waged by Joel Klein of the Justice Department and the brilliant trial lawyer David Boies against a mighty corporation that ended in victory. In fact, even when presented with clear evidence of Microsoft's dirty work, and even while Netscape, a principal victim of the corporation's modus operandi "was reduced to rubble," the Justice Department dragged its feet. More deserving of heroic status is Gary Reback, a Netscape lawyer prone to trenchant observations such as, "The only thing that J.D. Rockefeller did that Bill Gates hasn't done is use dynamite against his competitors." Government lawyers sniffed that this crusader "needs help." However, as Heilemann notes, "History might well have judged Reback a marginal figure, just another Gates-hating ranter, were it not for one inconvenient fact: Almost everything he claimed turned out to be true."

PRIDE BEFORE THE FALL:
The Trials of Bill Gates and the End of the Microsoft Era
by John Heilemann
Harper Collins, $25.00

But none of the numerous good guys in this story can compete in sheer dramatic reach and force with the villains. Take Steve Ballmer, the redoubtable Number Two at Microsoft. Heilemann describes an interview with Ballmer in which he asks whether Microsoft had signed a contract with Sun Microsystems in bad faith. "Ballmer's face was beet-red now, and he was screaming so loudly that, had there been any window shades, they would have been rattling. Up on his feet, leaning across the table so that his face was no more than six inches from mine, pounding his meaty fists on the tabletop so hard that my tape recorder leapt and skittered, he roared, 'Nobody was ever one teeny tiny bit confused that we and Sun had this wonderful dovetailing of strategic interests! Those sub-50-IQ people who work at Sun who believe that are either uninformed, crazy, or sleeping!' "I took this as a Yes," concludes Heilemann.

Then there is Bill Gates. All the world knows that the government's single most potent weapon in the anti-trust trial was Gates' monomaniacal display of arrogance in his videotaped deposition, played to devastating effect by Boies. But Heilemann gives us further insight into this truly weird character, revealing how the man who boasted in 1993 that he had "as much power as the president," was five years later bursting into tears at a Microsoft board meeting, wailing that "The whole thing is crashing down on me; it's all crashing in."

Call me old-fashioned, but it's really nice to learn that the richest man in the world can be that hysterically miserable, and it's also very scary to think that someone with that much power can, er, lose it. Hardly less terrifying is the telling description of Gates' workforce, young people, mostly male, who as a matter of recruitment policy had little or no experience of life outside Microsoft. Inmates of the outwardly benign environment at company HQ in Redmond, Washington, where everyone walked around in casual clothes, were imbued with a supremely aggressive culture—"the frat house," as Heilemann notes, "from another planet." So insulated were they that they genuinely could not understand why so many people hated and feared the company they worshiped.

This story would have had a happy ending if it had concluded when Microsoft lost in court. But, in the most chilling section of the book, Heilemann describes the terror that overcame Gates' enemies in Silicon Valley once they were asked to come out in the open and offer suggestions as to suitable punishment. They knew that the monster was still alive and dangerous. Eric Schmidt, for example, the CEO of Novell, would talk privately to the government about what should be done, but, as Heilemann notes in a truly sinister aside, "experience had taught him that whenever he invoked Microsoft's name in the press, one of Novell's products would soon stop working smoothly with Windows."

That the Clinton administration did pursue Microsoft with such vigor is,

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in retrospect, a miracle. We can expect no such miracles from W.'s team, and Gates may well win on appeal. But at least the bully took a beating. Enjoy that part of the story.

ANDREW COCKBURN *is the author, most recently, of* OUT OF THE ASHES: THE RESURRECTION OF SADDAM HUSSEIN.

Fatal Error

By Brendan I. Koerner

DAILY COVERAGE OF THE MICROSOFT antitrust trial was depressingly predictable. Reporters assigned to the case can't be blamed for churning out pabulum, however, for both sides were exasperatingly tight-lipped. Microsoft, in particular, expertly stymied all journalistic efforts to divine its stratagems, thanks to a phalanx of Waggener Edstrom flacks that surely cost more than the gross national product of Bhutan. Thus the typical newspaper story was heavy on bluster and light on scoop.

World War 3.0: Microsoft and Its Enemies, Ken Auletta's blow-by-blow account of the software titan's Waterloo, is the ideal antidote to those bland *Podunk Times* recaps. The book teems with the kinds of juicy tidbits that make ink-stained wretches go weak at the knees. Auletta, the high-brow scribe behind *The New Yorker*'s "Annals of Communications" section, parlays his quasi-celebrity into unprecedented access. His insider credentials are established as early as the fifth paragraph, when he casually recalls eating lunch next to Bill Gates at the 1998 World Economic Forum in Davos, Switzerland. A $38,000-a-year beat reporter wouldn't even be allowed to refill Gates' glass of Diet Coke.

WORLD WAR 3.0: Microsoft and Its Enemies
by Ken Auletta
Random House, $27.95

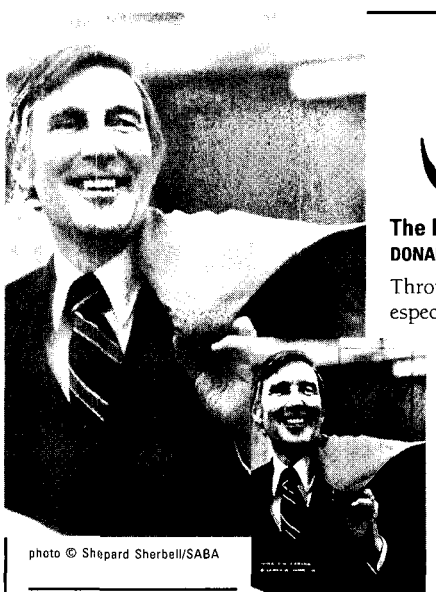
World War 3.0 is one long affirmation of Sun Tzu's ancient principle of combat: every battle is won or lost before it's ever fought. According to Auletta, Microsoft's pugnacious defense of its business practices was misguided from Day One. The main culprit he fingers is Gates' hubris, his arrogant notion that the government's case amounted to nothing more than vindictive harassment. Auletta elegantly captures Gates' "Why me?" mindset midway though the book, asking the bowl-cutted techno-tsar whether he ever felt like Joseph K. from *The Trial*. Upon being informed that Kafka's persecuted protagonist could not comprehend the crimes of which he was accused, the literature-impaired Gates exclaims: "He sounds like my kind of guy!"

But Microsoft's mistakes were tactical as well as philosophical. The defense team, headed by chief counsel William Neukom, is portrayed as full of white-shoe bunglers who lacked a taste for the jugular. "Microsoft's lawyers often meandered off into baffling digressions, like joke tellers who never get to the punch line," writes Auletta.

Plaintiff's attorney David Boies, on the other hand, is depicted as something of a mad genius. Slovenly and strange away from the courtroom—he left cases of fine Bordeaux by his office window until the wine turned to vinegar—he morphs into a latter-day Clarence Darrow when the gavel sounds. While Neukom's coterie seemed tentative in attacking witnesses, Boies eviscerated Microsoft's supporters with a surgeon's skill.

Auletta argues, however, that Boies' best work took place outside the courtroom. Boies convinced Jackson to permit the showing of Gates' videotaped pre-trial deposition, during which the New Economy mandarin was coaxed into behaving like a petulant seven year old. Peppered with implausible statements and enough claims of memory lapse to rival an Iran-Contra hearing, Gates' testimony virtually sank Microsoft's case before it even began.

A settlement would have been the logical maneuver for the company, and *World War 3.0* recounts Microsoft's half-hearted attempt to strike a deal. It is here that Auletta's prose—placid, logical, and delightfully free of Baroque flourishes—shines brightest. He gracefully traces the mediation efforts of Judge Richard Posner, whom Jackson appointed in early 2000 to hammer out a compromise. The back and forth between Washington, D.C. and Redmond is mapped out in rich detail as the two sides futilely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cycled through nineteen drafts of a case-ending agreement. Hesitant to blame either side for the negotiation's collapse, Auletta does fault Posner for failing to bring Gates and Justice Department point-man Joel Klein face-to-face. "Perhaps Posner's dry, intellectual approach to legal issues ... ruled out vital human factors, ignored how the mix of personality and issues can build, as well as erode, trust," the author notes.

Despite Auletta's behind-the-scenes privileges—Gates often responded personally to his e-mails, for example, and the pair rubbed elbows at A-list cocktail parties—the book never quite makes Microsoft's pharaoh seem three-dimensional. But *World War 3.0* does not aim to be a comprehensive Gates biography. A chronicle of self-destruction, Auletta's book paints Microsoft's defeat as the inevitable final act in a hackneyed capitalist drama. Successful companies expand and expand until their bulk becomes a liability. Microsoft's failure to recognize its precarious position and it's foolhardy insistence on sacrificing billions in market capitalization to pursue an unwinnable case was a function of that immensity. The company's unrivaled wealth made its collapse seem all the more spectacular; Gates' unparalleled hubris made it occur all the more rapidly.

BRENDAN I. KOERNER *is a Markle Fellow at the New America Foundation.*

McManifesto

By Michael Schaffer

GENERALIZING ABOUT GENERATIONS is risky business. At the very least, conventional wisdom tends not to last as long as the 25 years demographers assign to a cohort. Five or six years ago, America's twentysomethings were said to be a generation of the amiably disenchanted, content to wallow in caffeine-fueled chatter about Saturday- morning cartoons. And then, all of a sudden—faster than Jennifer Anniston's "Friends" character could quit the coffee shop and move up to a pay scale commensurate with all that Pottery Barn furniture in her apartment—the slackers had disappeared. Their demographic had become the amazing IPO generation. News accounts marveled at the new generation's casual-Friday entrepreneurialism and Internet riches.

THE NEXT DEAL: The Future of Public Life In The Information Age
by Andrei Cherny
Basic Books, $24.00

Unless the NASDAQ reverses its decline, you can bet those of us born after 1970 will soon get yet another media image, if not another sit-com plot twist. But lest the Internet wünderkind reputation get erased as completely as its slacker predecessor, historians will have at least one document with which to remember our heyday: *The Next Deal*, 25-year-old Andrei Cherny's self-proclaimed political manifesto for a new generation.

Cherny himself was just such an overachieving twentysomething, the youngest White House speechwriter in American history, feted in newspaper and magazine profiles. And his first book proclaims that the oldsters have failed to move the American agenda beyond simply balancing the budget. Cherny goes to speechwriterly excess in lamenting some of his former patron's squandered opportunities; but the book seems a perfect artifact of Bill Clinton's 1990s, with its boundless optimism about the bright young things of the Internet generation, preternatural ability to make small-bore proposals sound grandiose, and boom-time notion that no one really ever has to lose in America. Just weeks after Clinton left town, in fact, the book already feels like a time capsule. It says a lot more about the tiny dreams of contemporary Democrats than about the future.

Cherny's basic thesis is simple, and hard to argue with: Just as Theodore Roosevelt's Progressives remade government to meet the needs of an industrial society dominated by corporate behemoths, so too must contemporary Americans remake government to meet the needs of what Cherny calls "the Choice Generation." It's an interesting moniker. Young people who came of age with cable TV and the Internet, he argues, expect control of decisions that previous generations were content to leave to others. (He begins the section, amusingly, by describing the early-'80s rise of the *Choose Your Own Adventure* book series.) And like the

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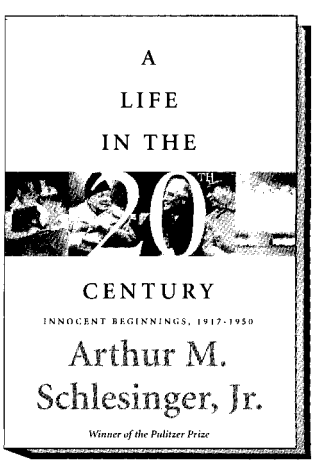

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authors of those books, progressives of the 21st century must move away from the "top-down" one-size-fits-all approach to government services and instead allow citizens to make their own choices about schools, health plans, job training, retirement savings, and so on. Meantime, a generation re-engaged in civic life will give rise to "the new responsibility," joining everything from bowling leagues to soup-kitchen-volunteer corps.

So far, so good. If modern technology offers the tools to tailor services more specifically to individual tastes, why shouldn't government take advantage of that in the same way that Amazon.com does? True, the specifics don't quite get hammered out: For instance, should school choice mean parents get to choose a school within their school district—which in many cases would mean a choice between equally dreary schools—or within their state, or within the entire country? And if what Cherny calls the "Choice Revolution" is so revolutionary, why allow people to invest only a small piece of their Social Security? That's not exactly the kind of talk that'll send anyone rushing to the barricades. But the general point—build a better mousetrap, and they will come—still stands.

On a broader level, though, the premises underlying Cherny's generational assumption are much more troubling. Just as figuring out a way that taxpayers can use modern technology to customize some services represents the positive side of '90s optimism, Cherny's conception of the politics behind such changes incorporates the most depressing aspects of our contemporary notions of things like freedom, choice, and power.

Cherny's notion of today's young as a generation of "choice" is particularly telling. Yes, contemporary Americans can choose from dozens of colors for their new VW Beetles and order the most obscure CDs at the click of a mouse. But in the year Roosevelt ran for president under the Progressive Party banner, Americans had a choice between a socialist, a right-wing Republican, and two very different flavors of progressive. This year, Cherny's generation got a choice between two candidates who quibbled over small details of center-right economic plans. Likewise, members of nearly every other generation born this century had an easier time opting to join labor unions, go on strike, or read about their strikes in an independent newspaper. And most of them must have recognized that those choices—determining their economic future, and the nation's—were more significant, if not more immediately satisfying, than the consumer version of choice laid out in *The Next Deal.*

Likewise, scant attention is paid to how instituting the kinds of choices Cherny proposes may limit other, larger choices. For instance, opting to let people put some of their Social Security in the stock market, with its greater rewards, will have a huge impact on issues far from pension policy. The market typically doesn't like increased minimum wages. Next time someone proposes that we—Congress—choose such a hike, the idea that change will wreak havoc on people's Social Security savings will be used to combat the plan. One kind of choice trumps another.

But matters like wage laws, of course, are broad-scale democratic decisions, not individual preferences. They're what make us citizens of a country, not consumers of a government's services. They're the kind of choices where some interests win and some interests lose. Perhaps because of that, they're the kind of choice that appears to be not particularly interesting to this shiny new progressive future. In Cherny's world-view, the will of the people is only disrupted by "experts" and elites, seeking to impose "top-down" solutions. An easy target, those perfidious "experts," and a good mark for a speechwriter to hit. But what happened to the actual economic interests—you know, bosses, polluters, monopolists, and the like—that real progressives once inveighed against?

Reading a book by a speechwriter is a little like listening to a graduation speech that goes on for 251 pages. Cherny pads his book with flowery descriptions of the lives of Thomas Jefferson, Woodrow Wilson, Andrew Carnegie, and other Americans who reshaped their eras. But he doesn't really get around to his own suggestions until page 179. And despite the long wind-up, there's something oddly empty about the book. Letting people choose their own job-training scheme isn't V-chip small—and if it reduces their reflexive hostility to government programs it may even be a good thing. But proposals like that are nothing on which to build a political constituency outside of a pollster's office.

With Bush in the White House, Cherny and other veterans of Clinton's Washington will realize that a lot of what government does can't come down to splitting the difference. The guy who produces the sludge and the guy who lives down the river from his factory have different interests that can't be bridged by making services user-friendly. As those kinds of issues get forced onto their plates after the naptime that came with the economic boom, erstwhile progressives may find themselves falling back on a catch-phrase of the industrial era Cherny seems so eager to bury: Which side are you on?

MICHAEL SCHAFFER *is an associate editor at* U.S. NEWS & WORLD REPORT.

Profiles in Courtship

By Sandra McElwaine

IN 447 PAGES OF EXTRAORDINARY detail, English biographer Sarah Bradford has dished the dirt on Jackie O, trashed the glam of Cam, and told us more about the Bouviers and the Kennedys than most of us will probably ever want to know.

To collect this mountain of material she has read every book on the subject, (those, according to the bibliography, total more than 300 works); scoured the archives on both sides of the Atlantic, and conducted interviews with a raft of the legendary first lady's relatives and friends, including her sister Lee Radziwill and sister-in-law Joan Kennedy, as well as one insistent self-professed lover, architect John Carl Warnecke. The result is largely a rehash of every rumor and story in the public domain, assembled in one large volume. It is not a pretty picture but rather a devastating portrait of social climbing, venality, and deceit.

Right here I should say that I know Sarah Bradford. We met in Washington while she was researching this opus, and I was extremely skeptical that there was anything more to be written on the

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iconic Mrs. Onassis. But Bradford's compilation, plus some new revelations, is a truly stunning feat.

Jackie's addiction to playboys and priapic older men sprang from her adoration of her boozing, philandering father, John Vernou Bouvier III. Known as "Black Jack" for his striking dark looks and Valentino manner, he instructed her early on that "all men are rats," and lived up to his aphorism. While visiting her at Farmington, her boarding school, one weekend he casually discussed his conquests and future prospects among the mothers visiting at the same time. Jackie was his favorite daughter and Bradford suggests there was almost an incestuous component to their intense relationship.

Her mother Janet, whom Jackie basically disliked, was a schemer who tried to elevate her pedigree by seeking social approbation and big money. After a bitter divorce from the womanizing Bouvier, she managed to snag the twice divorced, extremely well-heeled Standard Oil heir, Hugh D. Auchincloss. A retiring, mild man with a penchant for pornography, Hughdie, as he was called, was the ultimate WASP: A member of the establishment and a pillar of Washington and Newport society, with several children and two large estates, including Hammersmith Farm in Newport, Rhode Island, where Jack and Jackie's wedding reception was held.

Jackie and her younger sister, Lee, learned the art of manipulation early on. Despite their luxurious lifestyle, they realized they were merely stepchildren with a $50-a-month allowance and unlikely to inherit any of the Auchincloss fortune. So under their mother's tutelage they set out to acquire wealth the only way they knew how—by marrying into it. "All [Jackie] was fundamentally interested in was money," said a long-time friend, John White. "That was really the guiding motive of her life." Lee saw this obsession as "insulation" from the world.

Jackie began to develop a Geisha-like quality, the famous doe-eyed stare and a breathy, little-girl voice that appealed to men and eventually became her trademark. By the time she had set her sights on JFK, she had already dumped one fiancee, John Husted, a prosperous but boring Wall Street banker who was conveniently airbrushed out of her sanctioned biography.

Throughout their marriage, Jackie dismissed Kennedy's flagrant infidelity by comparing him to her father, who formed a bond with Jack and even became an ally in his pursuit of women. She was attracted to Kennedy because he lived on the edge, was dashing, charismatic, and, above all, rich. With little or no interest in politics, she would not have settled for an insignificant congressman. "There was nobody else pursuing her with that kind of money," observed her friend Demi Gates, who warned her against the marriage.

AMERICA'S QUEEN: A Life of Jacqueline Kennedy Onassis
by Sarah Bradford
Viking, $30.05

Financial security seems to have been so important throughout her life that she was able to ignore even the most obvious of her husband's many liaisons, including the one that took place in the White House right under her nose with her own press secretary, Pamela Turnure.

A look into the Kennedy White House provides a glimpse of Jackie's unique cunning. She managed to disguise from the world that she was wearing French and Italian haute couture by having the dresses sent to, or smuggled in by friends. When it came to restoring the premises, her signature project, she artfully concealed the fact that preeminent French decorator Stephan Boudin was winging back and forth from Paris to oversee work, until *The Washington Post* destroyed his cover. Another fascinating tidbit was her determination to acquire the Rutherford B. Hayes desk, that her husband used during his tenure in the Oval Office. It had been a gift to the mansion from Queen Victoria, but that did not deter Mrs. Kennedy. Bobby Kennedy, Lady Bird Johnson, and Clark Clifford all got into the act, but finally a determined young curator stood his ground and insisted the desk remain in its proper place.

After JFK's assassination Bradford maintains that Jackie became involved with a string of high-profile males, such as Lord Harlech and Roswell Gilpatric, but that her true love was Bobby Kennedy. After his death, her marriage

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to Greek shipping tycoon Aristotle Onassis, whom she had stolen away from Lee, was inevitable. Once again she found a rogue, a notorious Don Juan with a shady reputation but with enormous wealth and power. Although delighted, at first, with his trophy wife—Bradford describes dubious sexual feats that supposedly took place in airplanes and on yachts—Onassis never gave up his passionate relationship with opera star Maria Callas, and soon tired of Jackie and her extravagance. At the end of his life he tried desperately to cut her out of his will, but Jackie prevailed and ultimately wound up with more than $20 million plus $200,000 annually.

At this point one is tempted to ask, was little Jackie happy at last? Apparently yes. She began publishing books and took up with a portly, Belgian-born diamond merchant, Maurice Templesman, who was married, well-connected, and not known for his sexual prowess. He moved into her Fifth Avenue apartment, became her acolyte, and stayed by her side until the end of her life.

For Jackie aficionados this book is probably the quintessential rap on the world-famous widow. And though Bradford successfully punctures the Kennedy myth, author and friend Edna O'Brien explains why the allure of Jackie continues to linger in our psyche. Her hurts and wounds were confined to "ice zones," according to O'Brien, and distance and distancing were central to her character. "It was what gave her that inexplicable aura," she wrote. "The barriers she (Jackie) built around herself betray a woman who had espoused self-preservation from the start. Her mystery was that she was a mystery to herself. She was caught in the gap between ingenue and empress, between innocence and worldliness."

SANDRA MCELWAINE *is a Washington-based journalist.*

Art Crimes

By Bradford McKee

GOD HELP THE CONNOISSEUR. The discipline that used to be fine art has fallen into wicked, even vulgar, hands. Pop culture and critical culture alike confuse artists with anarchists, stuntmen, and shallow self-promoters. The mantle once worn by Rubens, Fragonard, and Cézanne now somehow is cast over a ham named Annie Sprinkle, who allows us to peer at her cervix with a speculum. Academics have abandoned the canon of men like Klee and women like Kollwitz in favor of a keening, chocolate-covered performer named Karen Finley. That's entertainment maybe, but it ain't art. Who will stand up for the old school?

It looks as if Lynne Munson will, for better or for worse—mostly worse. Munson, who is currently a research fellow at the American Enterprise Institute, used to work as special assistant to Lynne Cheney when Cheney chaired the National Endowment for the Humanities. And Munson wrote *Exhibitionism: Art in an Era of Intolerance* "in [Cheney's] image." The book chronicles various battles in the "art wars," campaigns of aesthetic cleansing that have exiled representational painting and sculpture over the past 30 years and handed over popularity to politicized artists and countercultural curators.

EXHIBITIONISM: Art in an Era of Intolerance
by Lynne Munson
Ivan R. Dee. $22.50

The most notorious public fights over art in this country arose in the late '80s and early '90s around an exhibition of photographer Robert Mapplethorpe's erotic imagery at the Corcoran Gallery of Art in Washington, and a painting by Andres Serrano called "Piss Christ." Both works relied in part on funding by the National Endowment for the Arts (NEA), which enraged conservatives (though not conservatives only) as affronts to the public trust.

But bad faith had begun to pervade the art world decades before those conflicts. The biggest bully in Munson's book is the "postmodern" movement that seized academia in the wake of the late-'60s cultural rebellion. To the postmodern mind, there is no objective standard or truth in art or its history. A giant such as Leonardo da Vinci was simply an old boy written into the white male "master narrative" of European culture. Trendy art is better than traditional work, and a fresh mouth trumps a skilled hand every time.

Munson gathers more than enough evidence of art-war crimes carried out by the NEA, Harvard University's art history department, and certain major museums. But as galling as those institutions' actions seem, Munson's inconsistent posturings, frail language, and just-in-time erudition suggest that she is the wrong person to make a righteous argument on behalf of fine art. Her professed elitism about art is not the problem in this volume; in fact, elitism would be the book's singular appeal if only it carried any authority beyond the "dozens of artists" and various critics and historians she consulted in writing it. Nothing Munson utters ever suggests that she has a good eye for art. There are no surprises to her tastes, no terribly original, mind-changing insights into any object she beholds that would compel even a mostly sympathetic reader to follow her wholeheartedly.

But what is an "important" artist? It would help to know, because Munson uses the term several times as a benchmark separating the artists she believes we should celebrate (and salary) from those we should discourage. The same question arises with the words "quality" and "serious," bits of shorthand that holders of advanced art degrees use in their lexicon of approval, but that Munson should know better than to wield in any exacting discussion of the subject. And funny that she should refer so freely to "standards"—as in "many in the art world ... had decided that artistic standards were old hat"—because Munson's standards multiply and contradict each other before the reader's very eyes.

She competently assembles a picture of what might have gone wrong at the NEA during its short history, but then, it's hard to trust an author who once worked for the government but still finds it fit to belittle one of her story's antagonists as a "bureaucrat." In adjudicating the NEA's faulty legacy, Munson harks back to the agency's first full class of grant recipients in 1967. That list of fellows, who received $5,000 each, included such now-well-known figures as sculptor Donald Judd and painters Sam Gilliam and Edward Ruscha.

The first director of the endowment's Visual Arts Program, Henry Geldzahler, a hero to Munson, "was determined to design a program that would put money directly into the hands of the most deserving artists." Yet during

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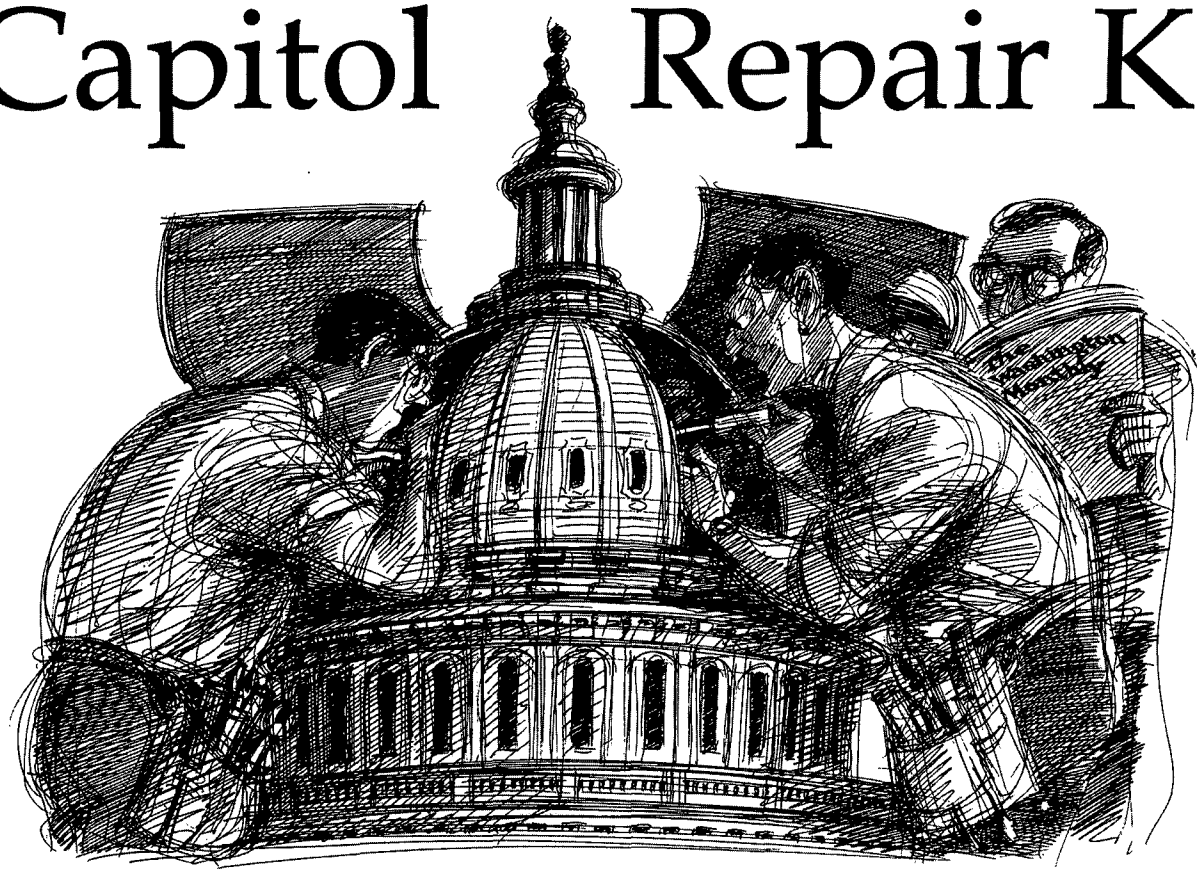

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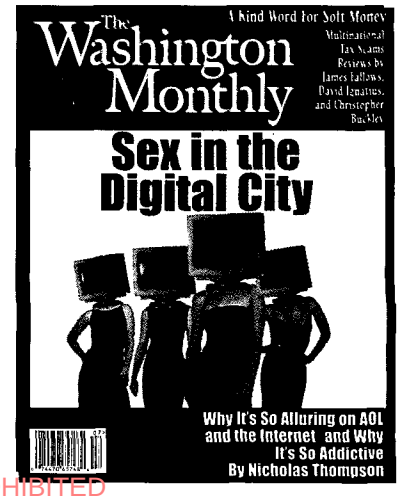

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the program's post-Geldzahler years, from the '70s through the '90s, when the same sort of awards went to artists or organizations Munson finds undeserving, such as New York's Franklin Furnace and the Kitchen, the charitable dispensation becomes "the government dole."

The malign shift in the endowment's goals seems to have occurred in the early '70s. Munson quotes sculptor Richard Hunt, who served on an agency selection panel in 1967 and again in 1975. In his latter stint, Hunt found that panels once occupied primarily by artists had been stacked with curators and critics. Munson laments that these non-artists were driven "by a desire to advocate certain kinds of art and oppose others." Is something intrinsically wrong with such an impulse? Munson, after all, spends exactly 202 pages making the same sorts of judgments.

Munson is careful not merely to scold the bad artists but to show us the painters she admires: those of the Bowery Gallery group and the Studio School. No particular trait binds her favorite practitioners, she writes, except: "They make every attempt to distance their personal identity and opinions from their work. The 'meaning' of their work is the visual activity it provides." These artists might as well work for third-rate daily newspapers. It's hard to imagine why anyone would seek out a creative mind expressly for that reason.

Munson seems to forget that even the most time-tested artforms carry revelations on levels beyond their "visual activity." Nearly all painting can be viewed as a critique, whether it means to be or not, insofar as it finds the artist making choices. For instance, the scope of color and composition in James Ensor's 1888 "Christ's Entry Into Brussels" will make a powerful impression, but at least half its power derives from Ensor's gnashing disclosure of his own unhappiness with the world. The grave difference between Ensor's painting and, say, "Piss Christ" is that Ensor simply privileges us to an interior where we can observe his pain, whereas Serrano throws his pain wide open and wants to make us feel it. And, frankly, most of us would rather not.

But even given the dominance of impertinent new genres of art, painting is by no means dead, as Munson is happy to report. In her chapter on painters in the cultural wilderness, Munson spends an elegiac moment with Alan Cote, an abstract painter, who muses that "painting is 'in a time of quietude, a time when people who really want to do it are going to do it.'" You want to ask the author: What's the big worry? Most genuine painters would rather die than stop painting, and there's no sense in looking at paintings by anybody else.

BRADFORD MCKEE *is an editor-at-large for* Architecture.

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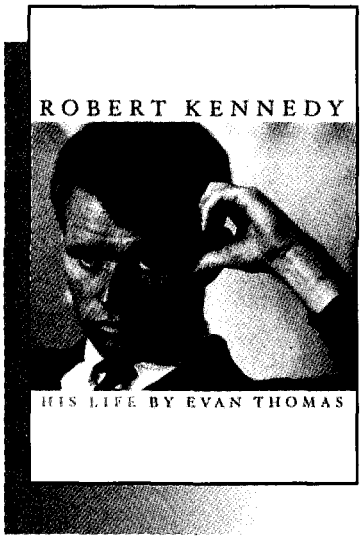

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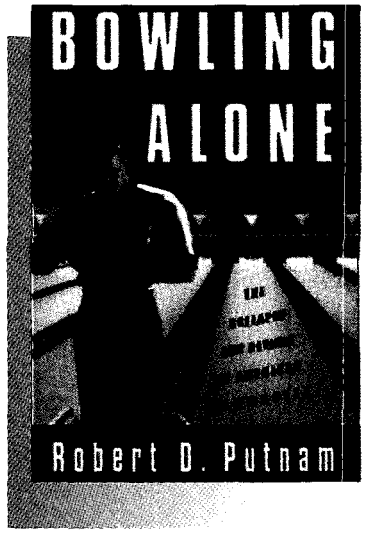

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Bottlenecks

An amazing story was told by David Wessel in the January 25 *Wall Street Journal*. In brief: American colleges and universities are actively *discouraging* undergraduates from majoring in science. Why? Chiefly because science majors cost more to educate. They need expensive lab facilities, for instance, whereas history majors do not. And partly because professors "are preoccupied with cloning themselves." The result, Wessel reports, is a glut of would-be professors and a shortage of researchers in American industry.

Wessel's front-page story was based on a discussion with Stanford economics professor Paul Romer (son of the former governor), who was in Washington to lobby for a federal program that would encourage colleges to increase their output of science majors. We need these future researchers, he pointed out, to sustain this country's economic progress. Yet our colleges and universities "so often celebrated for contributing to America's successes," have instead become a bottleneck. Much of America's business community, hungry for scientists, apparently agrees.

But there is another bottleneck, notes Matthew Weinberg, head of one of this country's leading scientific consulting groups. It is the lack of opportunity for African American, Hispanic and other minority students to even consider careers in science and engineering. The reason? Lack of pre-college focus and encouragement and lack of internship opportunities.

Six years ago, Weinberg set out to do something about it. He started a program called Building Science Technology and Education Partnerships to help place minority high school students in paid internships with science-oriented area businesses, including his own, and place them there for the entire academic year. At the Weinberg Group, students get to work alongside scientists with advanced degrees in such disciplines as bioengineering, chemistry, environmental science, epidemiology, food science, physics and toxicology.

Lower-income minority students are generally unaware of these fields due to a lack of exposure to them in school, and a lack of recruiting efforts in these communities by science labs and corporations, says Weinberg. "If we don't give these kids avenues to get out of the inner-city and tap their intellectual potential, we are wasting a tremendous resource."

Black History Month is perhaps an appropriate time to draw attention to this disconnect between our need for scientists and our lack of effort, as a society and in our educational system, to develop the scientists and engineers of tomorrow. We are familiar with the accomplishments of minorities in the arts, as Ken Burns and public television have so recently reminded us. But less has been said of their equally important, often life-saving contributions to our science and technology. And the need to remove today's artificial bottlenecks to future achievement.

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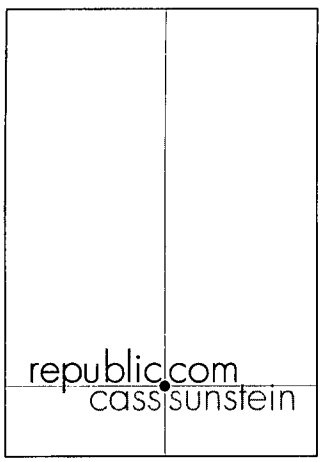

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Cass Sunstein

In cyberspace, we already have the ability to filter out everything but what we wish to see, hear, and read. Tomorrow, our power to filter promises to increase exponentially. In all of the applause for this remarkable ascendance of personalized information, Cass Sunstein asks the questions: Is it good for democracy? Is it healthy for the republic? What does this mean for freedom of speech?

"We have always been able to seek out those who share our assumptions and ignore ideas we don't like. But the Internet's ability to filter information instataneously makes the sifting process so much more effective that we are in danger of transforming ourselves into a society of egocentric techno-tribalists, Sunstein warns."—Paul M. Barrett, *The Washington Monthly*

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Suburban Warriors
The Origins of the New American Right
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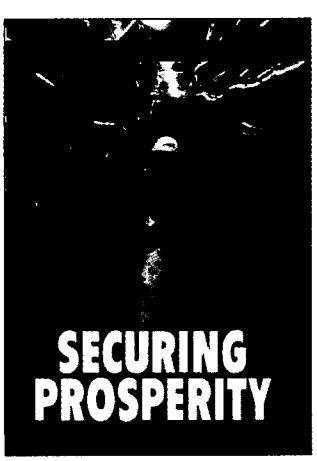

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